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# UNITED STATES POLICY TOWARD ANGOLA—UPDATE

GOVERNMENT

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## HEARINGS

BEFORE THE

### SUBCOMMITTEE ON AFRICA

OF THE

### COMMITTEE ON FOREIGN AFFAIRS

### HOUSE OF REPRESENTATIVES

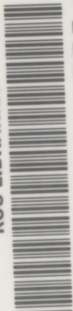
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SECOND SESSION

SEPTEMBER 17 AND 30, 1980

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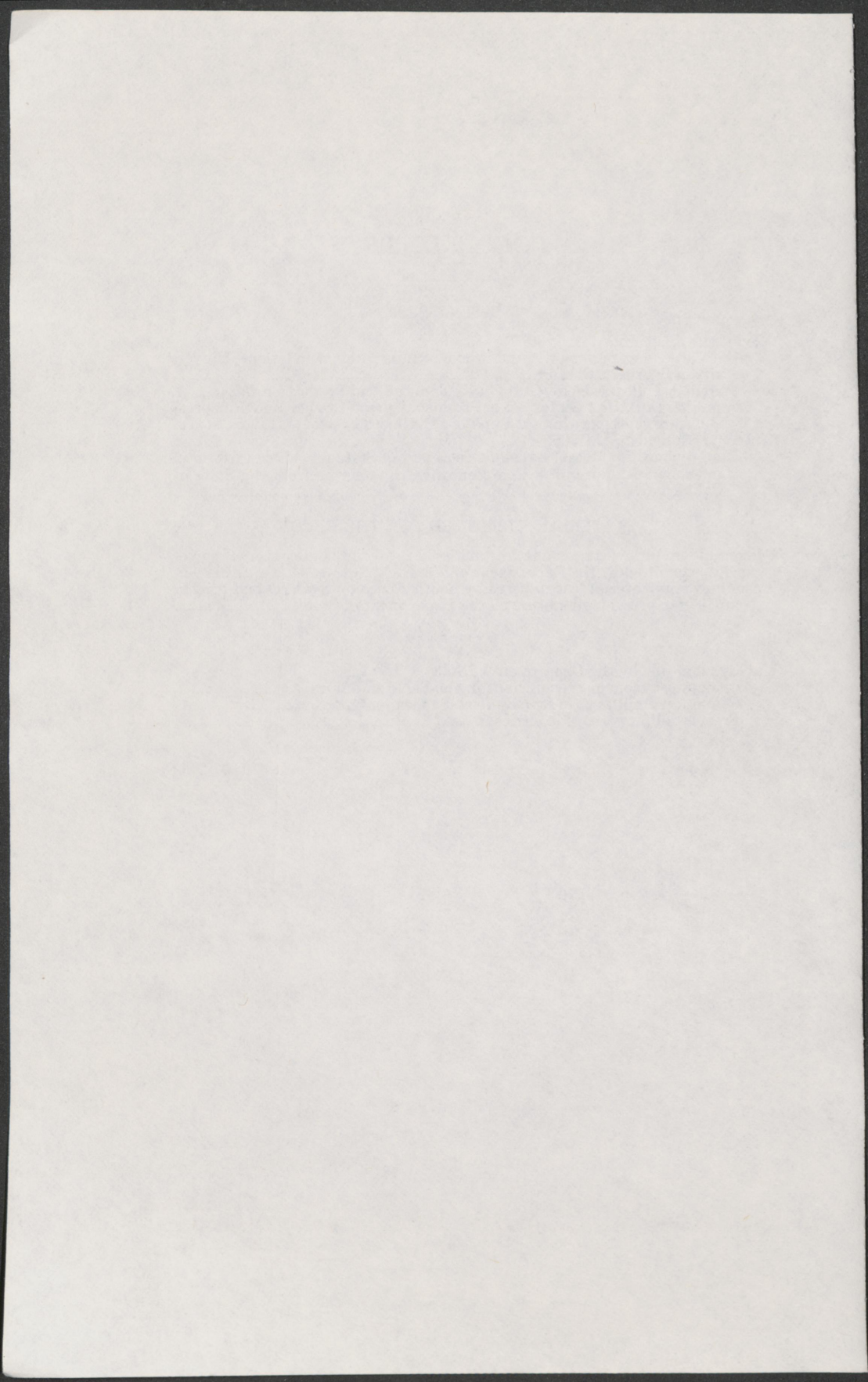
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## UNITED STATES POLICY TOWARD ANGOLA— UPDATE

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WEDNESDAY, SEPTEMBER 17, 1980

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON AFRICA,  
*Washington, D.C.*

The subcommittee met at 10 a.m. in room 2255, Rayburn House Office Building, Hon. Stephen J. Solarz (chairman of the subcommittee) presiding.

Mr. SOLARZ. The subcommittee will come to order.

Today, the Subcommittee on Africa is beginning the first of 2 days of hearings on the current political and economic situation in Angola.

Since Angola achieved its independence in November 1975, the United States has refused to formally recognize or establish diplomatic relations with that country. The administration's ostensible reason for refusing to recognize the Angolan Government is the continued presence in Angola of large numbers of Cuban troops and Soviet advisers.

Despite the administration's reluctance to normalize relations with Luanda, the Angolan Government has continued to demonstrate that it would like to improve its ties with the United States.

In the economic and commercial areas, the Angolan Government has maintained a good working relationship with Gulf Oil Co., sought access to Export-Import Bank facilities and signed a new commercial agreement with Texaco Oil Co., to explore for petroleum along its southern coastline.

Let me say, parenthetically, that I trust that the Texaco Oil Co. has offered the Angolans a more equitable arrangement than the one imposed upon them by the Soviet Union with respect to the fishing agreement that was worked out between those two Governments. I understand the Russians took 90 percent of the fish for themselves and left the emaciated sardines for the Angolans.

Politically, the Angolan Government has supported the Western Five effort to achieve an internationally acceptable solution to the Namibian problem, for which we are most grateful, helped to defuse political tensions between Angola and Zaire, and released an American citizen who had been detained in Luanda for over 2 years.

At this morning's session we have invited three distinguished witnesses to review the current political situation in Angola and to explain the extent of America's economic and commercial relations with the Angolan Government.

In giving their testimony, the subcommittee hopes that the three witnesses will also state whether they think it is in the interest of

the United States to establish diplomatic relations with Angola, and if so, under what conditions and circumstances, and whether Angolan officials they have met would like to normalize relations with the United States.

Our first witness today is Mr. Gerald Bender, professor of international relations at the University of Southern California. Mr. Bender, who has testified before our subcommittee, one of the regulars whom we call upon for advice in trying to analyze the complex problems, has written a number of articles on Angola and is widely regarded as America's leading expert on that country. He recently spent 2 months in Angola, so his testimony should have some special and topical relevance for us today.

The second witness will be Mr. Melvin Hill, president of exploration and production at Gulf Oil Co. Gulf Oil Co. is the largest American company operating in Angola, and we will look forward to what Mr. Hill has to say.

Our last witness, assuming he arrives—I see an empty chair; I assume he has not taken the position that he doesn't want to debate with all three at the same time; he will be here, in any case—but Mr. John M. Duff is senior vice president for direct credit and financial guarantees at the Export-Import Bank. Export-Import Bank officials have traveled to Angola on several occasions during the past several years, including a major trip earlier this year.

Tomorrow, the subcommittee will hear testimony from State Department and CIA officials on our policy toward Angola.

Dr. Bender, do you want to begin? Please feel free to summarize your testimony if you can.

#### STATEMENT OF GERALD BENDER, PROFESSOR, SCHOOL OF INTERNATIONAL RELATIONS, UNIVERSITY OF SOUTHERN CALIFORNIA

Mr. BENDER. I would like to thank you for giving me the opportunity to share with you some of my thoughts on Angola and U.S. policy toward Angola.

I am going to focus most of my prepared remarks on the questions of U.S. policy, but I will be more than happy to answer questions later from members of the subcommittee on contemporary Angolan affairs.

I have been fortunate to have been able to conduct research in Angola for each of the last 5 years and have traveled by road, with my wife, over 2,000 miles inside Angola in the north, central highlands and most recently in the south. Less than 2 months ago my wife and I traveled approximately 650 miles by road in the southern provinces of Huila and Cunene, down as far as 6 miles from the Namibian border.

When I mentioned to friends the invitation I received to testify at these hearings, the response was uniformly, "What a crazy time to hold hearings; everybody knows that the Carter administration won't consider recognizing Angola before the election."

It is true that the Carter administration has decided to postpone, for the umpteenth time, the question of recognition until after the election, but this does not obviate the importance and wisdom of holding hearings on Angola now.

We are presently subjecting our foreign policy in all parts of the world to an intensive scrutiny. While this is common during any Presidential election, this year's soul searching is particularly intense because of events in Iran and Afghanistan.

At the heart of the debate is the question of how the United States should conduct its competition and rivalry with the Soviet Union throughout the world.

When the debate touches on Africa, attention inevitably turns to Angola because Angola appears to symbolize to people on virtually all points of the political spectrum what is wrong with American policy toward Africa.

To former Secretary of State Vance and former Ambassador to the U.N., Andrew Young—who are considered to be the architects of the Carter administration's African policy, but both of whom strongly criticized the administration's failure to recognize Angola in their first public speeches following their respective resignations—the Carter administration has pursued a negative, reactive policy that “seeks only to oppose Soviet or Cuban involvement” instead of dealing with those problems within Angola which largely account for the Soviet and Cuban presence.

Yet others have been vociferous in their criticism of this administration for refusing to extend military and financial aid to UNITA—National Union for the Total Independence of Angola—for their continued military operations against the MPLA—Popular Movement for the Liberation of Angola—run government.

Ernest Lefever, director of the Ethics and Policy Research Center in Washington and an adviser on Africa to Governor Reagan, recently maintained that “\* \* \* the United States should provide (Jonas) Savimbi (president of UNITA) with material assistance as needed—and that means military assistance \* \* \*”

Ronald Reagan himself, in what may be his only comment on Africa during this year's campaign, agrees with this position. On May 6 he told the Wall Street Journal that he would provide UNITA with weapons.

At the same time, a number of black and student groups have accused the administration of complicity with South African military attacks against Angola, allegedly part of an attempt to overthrow the MPLA and install UNITA.

Mr. Chairman, members of the subcommittee, it might seem impossible but it appears nevertheless to be true that the Carter administration has deftly managed to evoke strong criticism of its Angolan policy from the left, right, and center. Nobody seems to be satisfied, including many of those in Government who are responsible for American policy toward Africa.

I would like to suggest that one major cause of this unenviable, if not ludicrous, record of satisfying none of the people all of the time is that President Carter has essentially pursued a do-nothing policy toward Angola; and, as usually occurs with do-nothing policies, all sides become alienated, none is won over.

The do-nothing Angola policy has resulted from the administration's linkage of the normalization question with a series of other, often tangential, issues. A partial list of these issues include: recognition of the People's Republic of China, the 1978 congressional

election, the Panama Canal Treaty, SALT II, Rhodesia, Afghanistan, and now the 1980 Presidential election.

All of these issues have been invoked at one time or another by members of the administration to explain why it was not a propitious moment for U.S. recognition of Angola, despite their acknowledgment that such a step would be in the best interests of the United States. In short, the question of the recognition of Angola has been hostage to domestic political considerations.

I hope that when an administration witness appears before you tomorrow, you will be able to probe the question of how the Carter administration's do-nothing policy has prejudiced American interests, from the carrying out of our foreign policies in Africa to the maximizing of an American corporate presence abroad.

Mr. Hill from Gulf Oil, for example, explicitly states in his testimony today that "Gulf—and any commercial enterprise—would benefit by U.S. recognition of Angola and the establishment of a U.S. Embassy in Luanda."

The State Department, National Security Council and, I presume, other branches, have carefully worked out the pluses and minuses of recognition. I would hope that this subcommittee will become familiar with all of the positive and negative ramifications of recognition by the time you end your deliberations, and clarify the public record on this question.

My suspicion is that the only serious negative ramification which this administration can offer to explain its nonrecognition policy is its fear of congressional reaction.

At the heart of this fear is the belief that if the President were to recognize Angola, Congress would accuse him of being soft on the Soviets and Cubans in Africa. If that is indeed how Congress would respond, then I hope that this subcommittee will attempt to explore with Government witnesses the appropriateness of such a response.

In other words, would recognition truly symbolize an American softness in Africa? It is my understanding that practically all African leaders, from the late Liberian President Tubman to Zambia's President Kaunda, to the last two Nigerian heads of state, have urged President Carter to recognize Angola.

It appears that even our European allies disagree with the softness argument; we are, in fact, the only Western nation to withhold recognition. One Western diplomat told me in Luanda this past July that "American policy toward Angola is so inept and self-defeating that it undermines one's confidence in the ability of the United States to set global policy directions."

Another Western ambassador told a Los Angeles Times reporter in May that, "Frankly, when it comes to Angola, I think the Americans are operating with a sort of Alice-in-Wonderland naivete."

Implicit in the belief that recognition of Angola would show the United States to be soft is the assumption that nonrecognition is somehow a sign of American toughness. While I have not seen any cogent or convincing evidence of this, I do see a far more important question: Has nonrecognition accomplished its supposed goal of reducing or eliminating the presence of Cubans and Soviets in Angola?

Mr. SOLARZ. Dr. Bender, on that point, I think we will temporarily recess to make the vote. We will resume as soon as we get back. [Brief recess.]

Mr. SOLARZ. The hearing of the subcommittee will be resumed.

Dr. Bender, if you would like to pick up where you left off—

Mr. BENDER. Mr. Chairman, I was talking about the fact that those who believe that the recognition of Angola shows the United States to be soft is based on a certain assumption that somehow nonrecognition is tough.

Now, I haven't seen any cogent or convincing evidence of this, but I think there is a more important question, which is: Has nonrecognition accomplished its supposed goal of reducing or eliminating the presence of Cubans and Soviets in Angola?

Here there can be no debate. There are roughly the same number of Cuban troops in Angola today as when Jimmy Carter took office. If their overall importance and influence have been reduced over the last 4 years, it has not been due to American nonrecognition, but to the increased economic and political presence of American friends such as Portugal, Great Britain, Germany, France, Italy, Sweden, Belgium, and Brazil.

It is in light of these observations that I express my hope that this subcommittee will be able to extract from administration witnesses precisely what they believe the do-nothing policy has achieved—positively and negatively—and to determine whether Congress should support such a policy.

Three years ago, Secretary Vance argued that “a negative reactive American policy that seeks only to oppose Soviet or Cuban involvement in Africa would be futile,” yet this is precisely the course that the United States has followed in Angola. Is this still the policy of this administration and is it a policy with which Congress should concur?

It is unfortunate that the American debate over the Cuban presence in Angola has been carried on in a vacuum, without reference to the external threats which have plagued Angola during the first 5 years of its independence. Mr. Hill refers in his testimony to attacks launched in Cabinda, but by far the most serious and formidable threat has come from the Republic of South Africa.

The Cubans-in-a-vacuum perspective actually began during the Ford administration, when Dr. Kissinger and others castigated Soviet and Cuban involvement throughout all of 1975 as an attempt to “take unilateral advantage of a turbulent local situation.” It could be considered unilateral only if viewed in a vacuum, as Dr. Kissinger did, conveniently refusing to acknowledge interventions by others at the same time, including the United States, Britain, France, West Germany, and South Africa, to note only a few.

While candidate Carter strongly criticized this perspective before his election, he appears to have adopted it almost unchanged during his Presidency. Why? And does this administration realize that when it portrays Cuban troops in a vacuum in Angola it unnecessarily inflames public opinion on the issue, the same public opinion the administration later cites as reason why politically recognition would be too costly to the President's reelection?

One illustration of what I mean can be seen in our continued demand for Cuban withdrawal without acknowledging the role

which the Cubans play in assisting the Angolan Government in the face of constant military incursions from South Africa. These South African military attacks are no secret; Pretoria has admitted, with pride, to carrying them out.

It would be extremely helpful if the witnesses tomorrow from the State Department and the CIA could provide this subcommittee, and the public record, with a detailed account of all South African attacks against Angola. It would be equally useful if they could also provide an estimate of the damage to property and lives which South Africa has caused the People's Republic of Angola.

These figures are vitally important to know, in order for us to evaluate correctly the Angolan Government's claim that a precipitous withdrawal of Cuban troops at this time would be followed by an immediate invasion of their country by South Africa.

I have spoken with dozens of Westerners, including diplomats, in Angola, and to a person they share this fear of South Africa. Can any member of our Government guarantee this subcommittee, or the Angolans, for that matter, that if the Cubans were to be withdrawn South Africa would not greatly increase its attacks against Angola in an attempt to bring down the MPLA government? Without such an assurance, one Western ambassador told me this summer, the Angolans "would be committing suicide if they sent all of the Cubans home today."

This situation is analogous to events in other areas of the world where the United States provides troop protection to allies in order to discourage foreign incursions. How would Americans react, for example, if South Korea were to suffer the same level of external aggression as Angola and the Soviet Union, or others, called for the immediate withdrawal of all American troops? We would conclude immediately that such a call was nothing more nor less than a cynical plot to overthrow the South Korean Government.

Mr. Chairman and members of the subcommittee, this is precisely the way not only Angolans but also almost all African and most other governments view the American insistence on an immediate withdrawal of Cuban troops from Angola.

The do-nothing Angolan policy also reinforces the image abroad that the United States is involved in a plot with South Africa to overthrow the Angolan Government. The U.S. refusal last July to support the U.N. Security Council resolution condemning the recent South African invasions of Angola simply sustains this image. At the same time, the Senate has voted to repeal the Clark amendment which prohibits American covert intervention in Angola.

Furthermore, two officers of the American-Canadian company, Space Research Corp., were sentenced by a U.S. court in June to 6 months in prison for illegally providing South Africa not only with 155-millimeter cannons and shells but also with the technology for manufacturing them.

This important weapon system has been used by the South Africans over the past 2 years in their attacks on Angola. There have been a number of allegations in the U.S. press and on two PBS television programs that American intelligence officers were involved in Space Research Corp.'s illegal transfer of weapons and ammunition to South Africa.

I hope you will be able to discover tomorrow whether or not these and other allegations of American collusion with South Africa are true and if so determine their implications for U.S. foreign policy.

My most recent visit to Angola this past June and July vividly dramatized the full extent of the South African threat to Angola today. During our 650-mile trip by road through two southern provinces, my wife and I saw continual evidence of South African air and ground attacks against the country. In Lubango we saw a large furniture factory which South African bombs had destroyed. In Mungo, where a monument still stands in honor of the Portuguese soldiers who defeated the Germans there in 1915, my wife discovered a leaflet dropped by planes advising the Angolan people that they had nothing to fear from the South Africans who were only in the country to kill members of SWAPO—Southwest African People's Party.

Yet we saw that South African planes had bombed every single building in Mungo, from the hospital which suffered the worst attack, to two schools, and even a church.

Further south, we experienced the fear which grips every Angolan in the area, the fear of being hit by a bomb from one of the South African planes which fly over southern Angola almost every day and night. Dozens of carcasses of burned-out trucks and cars lie along the roads. Three were hit while we were in the area; one, in fact, was still smoking.

Especially prejudicial to Angola has been the South African bombing of Government trucks carrying food, seeds, and other essentials to the starving people in the south. Catholic missionaries from Great Britain told us that since January of this year South African planes had been flying over their village almost every day, frequently dropping bombs. They added that many Angolans were suffering from serious traumas because of the constancy of the South African attacks.

South Africa would like the world to believe that its attacks on Angola are aimed exclusively at SWAPO targets and not Angolan, but as I indicate above, this is simply not true. In mid-August the Angolan Minister of Agriculture, Manuel Pacavira, announced that the damage caused by South Africa since 1978 to the agricultural sector in only 1 of Angola's 17 provinces—Cunene—was around \$40 million. Over \$16 million of this damage was attributed to the destruction of warehouses, storage facilities, vaccination posts, and markets.

In addition, foreign missionaries and Red Cross representatives report widespread starvation in southern and central Angola, the magnitude of which some compare with Biafra. In the face of this and other South African-caused damage to Angola, the United States continues to demonstrate its insensitivity to the threat which South African racism presents in southern Africa by calls for the repeal of the Clark amendment, by quibbling over nuances to justify not condemning these South African raids in the United Nations, and, most importantly, by continuing to focus exclusively on only one problem in Angola, the presence of Cuban troops.

South Africa is not alone in carrying out attacks in Angola. UNITA has also undertaken a number of attacks in southern and

central Angola, although it appears that the damage they have inflicted is infinitely less than that caused by South Africa.

Moreover, it is also true that part of the Cuban troops stationed in Angola have been used in military operations against UNITA. This is a fact which nobody can deny and pro-interventionists have seized on this to justify their calls for American support for UNITA. But a country like the United States cannot commit itself militarily in an African war just because one group is fighting against Cubans.

UNITA carries considerable baggage with it, which the United States should carefully inspect before it becomes involved once again in UNITA's war in Angola.

It is unfortunate that time does not permit me to comment in depth on UNITA in my formal testimony, but a couple of observations are, nevertheless, in order.

UNITA began in 1966 as an essentially internal movement with an especially strong appeal to one ethnic group, the Ovimbundu. Since independence, however, UNITA has become increasingly dependent upon external aid, especially aid from South Africa. There is no doubt that UNITA receives substantial military, logistical, and financial support from South Africa. UNITA and South African leaders have both acknowledged this.

Therefore, in the light of South Africa's support of UNITA, Americans must evaluate the wisdom of those in the United States who call for the United States to intervene in Angola once again on the side of UNITA and, ipso facto, South Africa. The United States tried this policy in 1975 and was badly burned by its association with South Africa. Everything suggests that we would suffer the same fate if we tried it again.

I hope that both the State Department and the CIA can provide you with information on anticipated consequences if the United States were to join South Africa once again in an Angolan war.

Do they, for example, foresee possible oil embargoes from not only Angola but also Nigeria, the second largest exporter of oil to the United States? How would U.S. support for UNITA affect the delicate United Nations negotiations over a peaceful transfer of power in Namibia? What would be the goal of providing covert aid to UNITA and would the proposed aid be sufficient to accomplish that goal? What unintended consequences could one anticipate?

In 1975, the CIA Chief of the Angolan Task Force correctly projected that the combination of American covert assistance and an invasion by South African troops would greatly escalate the number of Cuban troops, 10 to 15 fold. Do they project a similar consequence if the same combination occurs today?

In 1975, CIA officials informed Senators and Members of the House that it essentially made no difference to the national interests of the United States which of the Angolan movements won the civil war. Do they still agree with this assessment? If not, then how does the CIA believe that American intervention today could concretely advance U.S. interests in Angola, Africa and/or the world?

In this regard, it is interesting to note that Jonas Savimbi surprised a number of people during his visit to Washington last November when he failed to answer questions on what specific

economic changes he would make in Angola, given that he, like the MPLA, professes to be a doctrinaire socialist.

One Government official told me that after pushing Savimbi on this question in private, their impression was that Savimbi wouldn't change a thing in the Angolan economy other than to replace the Cuban and other Eastern European technicians with other foreigners. "I doubt that he would offer more favorable terms to the multinationals than the MPLA, and may even offer conditions which are worse."

Mr. Chairman and members of the subcommittee, because a number of prominent Americans, including Governor Reagan and Senator Helms, have called for the United States to intervene once again in a war in Angola on the same side as South Africa, this issue should be given close scrutiny, not only during these hearings but also by the media in general. Such an act of intervention would have grave consequences for the United States which should be understood fully before we embark on such a dangerous course.

The demise of the Hughes-Ryan Act means, among other things, that neither the House nor the Senate will have the opportunity to pass judgment on the wisdom of any plan for intervention in Angola before it is enacted. In fact, if Ronald Reagan wins in November these hearings may be the last time either House of Congress will meet on Angola before we could be at war in that country again.

I, therefore, hope that your deliberations will be fruitful and that an extensive public record emerges from these hearings which can serve as a basis for Americans to decide if we are now ready, 5 years after our debacle in Angola, to return to the policy of covert intervention in distant African wars which make little or no difference to the national interests of the United States.

Finally, in addition to serving as documentation of the folly of another round of American intervention in Angola, I hope these hearings will underscore the abysmal failure of the Carter administration's do-nothing Angolan policy.

While it may be possible to argue that the policy did not result in high costs to the United States during the last few years, the costs will certainly rise in the future. In fact, continued nonrecognition could cost the United States important supplies of Angolan oil which are expected to double in the next few years. Angolan officials have discussed, but still haven't decided, whether to link increased allocations to the United States of Angola's new oil to normalization of relations between the United States and their Government.

Clearly, the time has come for the United States to demonstrate more imagination, courage and self-interest in southern Africa, starting with a new, positive policy toward Angola.

Mr. Chairman, I fear that I may have raised more questions than I have answered, but I am open to addressing any questions which you or other members of the subcommittee may wish to ask.

Mr. SOLARZ. Thank you very much, Mr. Bender.

Our next witness will be Mr. Hill.

Mr. Hill, please feel free to summarize your testimony. In any case, your full statement will be included in the record as presented.

STATEMENT OF MELVIN J. HILL, PRESIDENT, GULF OIL  
EXPLORATION & PRODUCTION CO.

Mr. HILL. Mr. Chairman and members of the subcommittee, for the record, Gulf Oil Exploration & Production Co. has operational responsibility for Cabinda Gulf Oil Co., our subsidiary in Angola. Before I respond directly to the points outlined in your letter of August 14, I would first like to describe our exploration and production activities in Cabinda, in order to clarify the perspective from which Gulf can speak on these matters.

The Gulf operation in Angola is located on a stretch of the Cabinda coast some 12 miles north of the town of Cabinda, as shown on the attached map. All of the foreign work force live in quarters which are an integral part of the onshore Malongo terminal site. The oilfields are actually located offshore, but treating and storage prior to exportation takes place onshore.

The terminal is almost entirely self-supporting, providing its own power and water supplies, with foodstuffs, material and equipment being imported over its own dock. A few items are imported by air-freight.

The foreign personnel work on a rotational basis and enter and leave by charter aircraft between international airports in Kinshasa, Zaire; or Libreville, Gabon; and Cabinda. During their stay in Cabinda, they live and work in the terminal area and the offshore oilfields, except in the case of the general manager and certain specialists who occasionally visit Luanda, the capital of Angola, for contacts with the Government and the national oil company. Gulf also has a small office in Luanda where financial data are processed and through which international telephone and telex communications pass.

During the past few years, Gulf has quietly maintained its own operations at these two locations and has had limited exposure to the rest of the country. We have, however, built up good working relationships and understandings with the Ministry of Petroleum, Sonangol—the national oil company, the Ministry of Finance, the Central Bank, the provincial administrator of Cabinda and other local authorities.

These relationships have been developed by the exercise of a great deal of tact, patience, and understanding of the difficulties encountered by the authorities in undertaking their responsibilities, often without the benefit of considerable experience or training of local officials. In response to Gulf's effort to be circumspect, open, and honest in our business relationships with the Government of Angola, the latter has generally been responsive and supportive as a business partner.

There is an underlying mutual respect and trust which I believe is the key to understanding the productive relationship we have in Angola, productive for Angola as well as productive for Gulf. As a result of these factors, Gulf has not been unduly hampered by the socialist aspirations of the MPLA—Popular Movement for the Liberation of Angola—government. In fact, Gulf has encountered no ideological or discriminatory problems of any significance.

On the basis of our business experiences, we can say that the Government of Angola has proved to be a knowledgeable and understanding negotiator as well as a reliable partner. Moreover,

Angola has not interfered, directly or indirectly, in the actual production and/or export of Gulf's share of the crude oil produced in Cabinda. The present Government has from time to time stated that its goal is to create a mixed economy in which there will be roles for domestic and foreign private investors alongside the state sector.

In this regard, Angola is comparable to many other African regimes that follow a highly nationalistic and yet pragmatic policy toward foreign investment. Indeed, Angola has sought the participation and/or advice of other Western firms, banks, and consultancies, both European and American.

In this connection, the subcommittee should be aware of additional changes in the investment climate, which followed a meeting of the central committee of the MPLA party in May. According to press reports, the resolutions adopted by the committee indicate that the Government intends to make additional structural changes in order to open further the doors to private investment. The committee concluded that the Government must stimulate private investment in order to raise living standards and specified several sectors as prime targets for private initiative.

Since the death of President Agostinho Neto, there has been a great deal of speculation as to the future direction of the Government. Before becoming Angola's new President, Jose Eduardo dos Santos played a major role in drafting and carrying out key policies as a prominent minister in President Neto's Cabinet, first as Foreign Minister and then as Planning Minister.

So far, Angola has not experienced irregular or surprising changes in its leadership, its governmental structure, or its economic policies. The MPLA Party Congress scheduled for the end of this year will review a number of important matters, including leadership, and the outcome should indicate whether the Government will continue to adhere to Neto's key policy goals of non-racialism, a mixed economy and nonalignment.

It is often reported that the Government has to contend with dissident factions in the countryside. Of these, the only ones of which Gulf has any direct knowledge in Angola are factions seeking independence for Cabinda. It is not quite certain how many of these there are; but there is still unrest in the more remote parts of Cabinda.

Earlier this year, Gulf received a communication from the People's Movement for the Liberation of Cabinda—MPLC—announcing itself to be the latest regrouping of these factions. The communication asked Gulf to assist it in various ways. Gulf replied that it was unable to accede to those requests and in order that you may see the stance which we have consistently taken to requests of this nature, a key portion of the reply is quoted:

Your letter is concerned with matters with which Gulf cannot become involved, because we must maintain a position of strict neutrality in regard to political matters in Angola as in every other country in which we operate. In every such country we operate by authority of the central and generally recognized government of that country, expressed in a concession contract or other form of agreement between the government and the company.

In fulfilling our responsibilities and obligations to operate under the terms of such agreements, we are required to make royalty, tax and other payments to the government or its nominees as required by the laws of the country and by the relevant agreements with the government. We cannot have relationships with politi-

cal parties, movements or organizations other than the generally internationally recognized government itself, or make payments to anyone but that government. This is a principle and a policy which we have consistently followed in Angola and throughout the world.

The content of these communications was reported to the Minister of Petroleum in Luanda, as is customary.

These dissident movements are kept in check by the Angolan Army, supported by Cuban troops, and Soviet and Eastern bloc advisers. However, occasional acts of sabotage do occur in and near Cabinda town. Gulf's only onshore production pipeline has been blown up on four occasions, at a different location each time, most recently in October 1979. On each occasion the safety valve at the oilwell closed, fire damage from spilled oil and gas was minimal, and the damage was repaired within a matter of days.

I would now like to describe briefly our relations with the Angolan Government, as well as how we conduct our operations in Cabinda.

When Gulf reentered Cabinda in April 1976, following its forced temporary evacuation due to the civil war, it was on the understanding that the then current terms would continue for at least 6 months. In fact, those terms continued until December 31, 1976, in fact a little more than 6 months. Thereafter, Sonangol took a 51-percent interest, while Gulf continued as operator.

In negotiations leading up to the final agreements completed late in 1978, Sonangol, and later the Ministry of Petroleum, were advised by Arthur D. Little & Co. of Cambridge, Mass. Sonangol now puts up 51 percent of the cash requirements and takes and disposes of 51 percent of the oil. Gulf does likewise to the extent of 49 percent and pays royalty and taxes based on its share of the oil.

In 1979 total production in Cabinda was 36 million barrels, or 98,600 barrels per day. On its share of 48,300 barrels per day, Gulf Oil paid approximately \$320 million in royalty and taxes to the Government of Angola.

You are already aware of the gas injection and liquids recovery project—now estimated to cost \$168 million—on which Gulf and Sonangol have embarked. Gulf and Sonangol have negotiated or are negotiating for loans from Eximbank for U.S.-source equipment and from SACE, the equivalent Italian body, for Italian-source equipment.

Project financing discussions are also well advanced. Recognizing the long-term nature of the returns on this type of project, the Angolan Government has granted a special incentive package to the partners to make the project viable under commercially economic terms.

Gulf itself has plans for an average annual investment in the region of \$110 million over the next 5 years and expects to more than double the present production rate in Cabinda by 1985.

Other operators, United States and European, have this year signed production sharing contracts to explore off the coast of Angola, and others are reported to be at an advanced stage of negotiations. So, in the near term, there will be a substantial increase in oil industry activity in Angola.

The oil industry is accustomed to providing all or most of its own technical and logistical requirements. This is particularly important in Cabinda, since, as in many parts of Angola, it is still

suffering from the loss of skilled personnel as a result of the exodus of many Portuguese at the time of independence. At about the same time, a civil war ensued which heavily damaged the infrastructure in many parts of Angola and also set back the traditional export sectors—coffee, diamonds, et cetera.

Mr. Chairman, I and the corporation that I represent feel that recognition is a matter for the U.S. Government itself to decide. Gulf cannot and would not presume to speak for the very wide range of interests that must be considered by U.S. officials. At the same time, Gulf, as any commercial enterprise, would benefit by U.S. recognition of Angola and the establishment of a U.S. Embassy in Luanda.

The direct benefits would include the availability of consular services, an agency to advise potential U.S. contractors and investors, appropriate channels for representation—in both directions—with the Government, a source of information on current official U.S. positions, and a reassuring presence for all U.S. citizens.

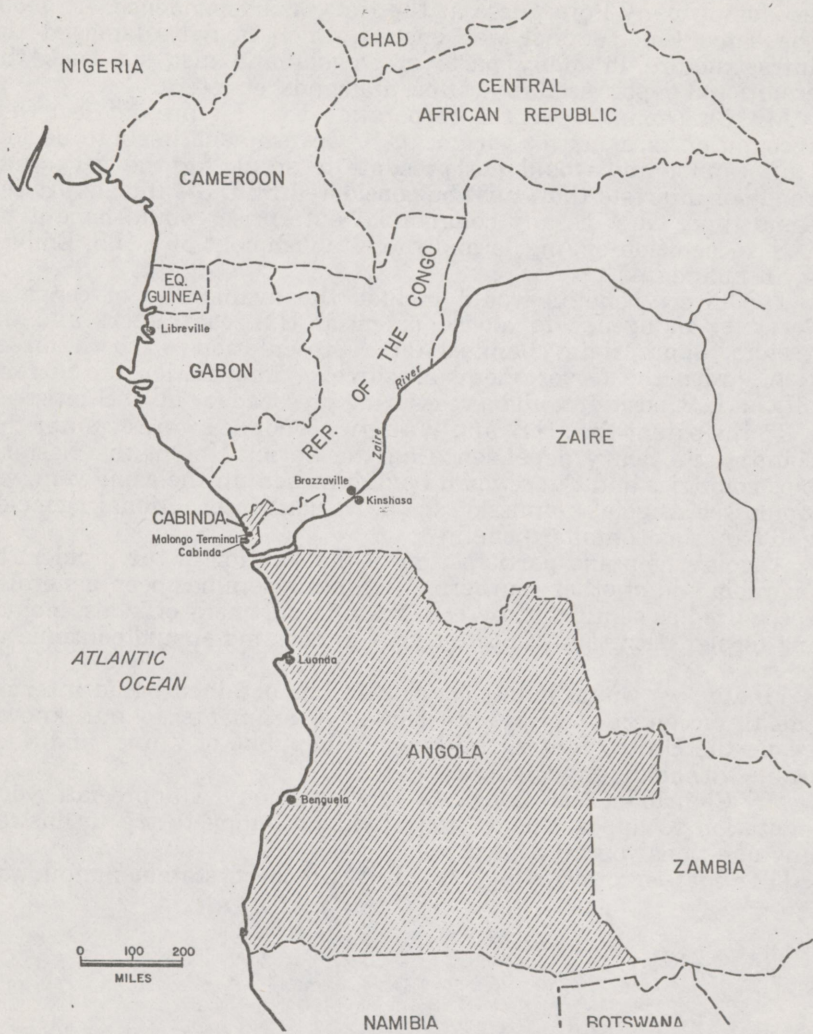
To the extent that U.S. and Western economic interests enter the country, its heavy dependence on the Soviet Union, the Eastern bloc countries and Cuba would be diminished. In the same vein, we would see Angola's admission to the various international agencies and banks as a similar benefit.

Angola's help and participation in the solution of the problem of Namibia and of other southern African matters has been generally recognized as significant by U.S. State Department officials, including former Secretary of State Cyrus Vance, and should continue to be so.

Finally, we would note that Angola has obtained broad international recognition, with only three Governments to our knowledge—the United States, the People's Republic of China, and Senegal—withholding recognition.

Mr. Chairman, that concludes my testimony. I appreciate your invitation to appear today, and I will be happy to try to answer any questions you may have.

[The map accompanying Mr. Hill's prepared statement follows:]



Mr. SOLARZ. Thank you very much, Mr. Hill, for your testimony.

Mr. Duff, in the interest of time, if I could possibly prevail upon you to briefly summarize your testimony, so that we can get into the question-and-answer period, I would appreciate it.

Your statement will be included as prepared in the record.

**STATEMENT OF JOHN M. DUFF, JR., SENIOR VICE PRESIDENT, DIRECT CREDITS AND FINANCIAL GUARANTEES, EXPORT-IMPORT BANK OF THE UNITED STATES**

Mr. DUFF. Thank you, Mr. Chairman. I will do that. I apologize for being tardy. I hope the committee will bear with that.

Mr. SOLARZ. You did not hold us up. I do hope in the future you can get here at the appointed hour.

Mr. DUFF. If we can get our buses to run on time, Mr. Chairman.

Mr. Chairman and members of the committee, I am pleased to appear before the committee to talk about our relations with Angola. If I may, I will summarize the testimony I was going to give.

Prior to independence, we had several transactions in Angola. As a result of the independence movement, our difficulties with these transactions developed. We paid supplier claims totaling about \$3.3 million and we encountered some delays in our direct credits.

During the initial period of the new Government, the Government agreed to cooperate in transferring funds to pay the supplier credit claims, of which today we have outstanding about \$2 million.

We have an understanding with the Banco Nacional de Angola, BNA, to settle that amount by the end of October. Our direct credits are current.

Now, in part, the ability to have these claims repaid, I think, results from our opening our business relations with Angola in the last several months. As Mr. Hill has referred to, we recently authorized a direct credit in favor of Sonangol in the amount of \$85 million, to support Sonangol in the gas reinjection project. That will provide substantial jobs to American workers and also benefit the United States in terms of the output of that project.

We also indicated a willingness to support aircraft sales to Angola. The airline decided to defer purchase of one of those aircraft and bought the other for cash, but that again indicated a willingness on our part to take on risk in Angola.

Now, I think that willingness is based on our assessment of the economic condition of Angola today. While the results of the departure of the Portuguese have left the economy in a weakened state, and the absence of managerial talents in many respects has caused other sectors of the economy not to get back to preindependence levels, obviously the output of crude oil has provided substantial benefits to the economy, and the Government seems to be able to control, with some degree of success, the level of importation into the country, so that they have been able to establish a fairly favorable balance of trade, which in 1978, I guess, was slightly over \$100 million, as best we can understand in 1979, in a deficit position, but it is estimated in 1980 to be at over \$200 million surplus.

Now, the Angolan Government itself has taken a number of steps to help revitalize the economy. The private, non-Portuguese shares are not nationalized. Private investors are allowed to play a continuing role in the Angolan economy. Gulf's substantial invest-

ment is testimony to that. Petroleum production obviously is back, I believe, to preindependence levels.

Now, I guess, getting to the principal points of inquiry by the committee, what is the effect on the Eximbank of the absence of diplomatic relations with Angola, obviously in a perfect world, if we had an embassy there, life would be easier. Embassies around the world provide source information which would not otherwise be available.

With respect to economic conditions, I think it is fair to say, however, that we have been able to find and obtain that kind of economic information that is available about Angola. There is not probably much more economic information that would be available had we had an Embassy in Luanda. We have a precedent for this situation where we are gradually opening up and doing business in a country where there are no formal diplomatic channels, and that is in Algeria, where we did quite a substantial amount of business in the late 1960's and early 1970's before we recognized Algeria.

Obviously, the absence of an Embassy in Luanda does not mean that we do not have the input of the State Department and the other agencies of the U.S. Government to give us their views on the political and economic situation in Luanda.

We have taken advantage of that in these particular cases that we have reviewed.

Now, we have on our own established through the Banco Nacional de Angola a working relationship which presumably would not have occurred had we had an embassy there, but which has proved to be effective to date. We have had face-to-face contact with employees of that bank and we have been able to establish a relatively effective working relationship.

So, I would say that, to summarize, we would obviously benefit somewhat in terms of data gathering, in terms of a closer assessment of the political situation, but with all humility we think that the decision of whether or not the United States should establish diplomatic relations should turn on things much broader than Eximbank's purely narrow interests.

Thank you, Mr. Chairman.

[Mr. Duff's prepared statement follows:]

PREPARED STATEMENT OF JOHN M. DUFF, JR., SENIOR VICE PRESIDENT, DIRECT CREDITS AND FINANCIAL GUARANTEES, EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. Chairman and members of the Committee, I am pleased to respond to your request for Eximbank's views on various aspects of U.S. relations with Angola, particularly as they affect trade relations with that country.

Eximbank was active in Angola in the period before independence, extending credits and guaranteeing loans to the Benguela Railroad and several other buyers to support the purchase of American products and services. At the time of independence Angola's internal difficulties resulted in payments delays and defaults on some of the obligations. Eximbank paid supplier credit claims totaling about \$3.3 million, and repayment of our direct credits encountered some delays over a period of about three years.

Following the initial period of difficulties the MPLA Government agreed to cooperate in transferring funds to pay the supplier credit claims and the installments due under Eximbank's direct credits. We have only \$2 million in claims still outstanding, and the Banco Nacional de Angola has agreed to settle that amount by the end of October. Payments on direct credits are current.

In part the recovery of the claims and the payment of overdue credit installments is related to a resumption of Eximbank activity in Angola. Based on a favorable staff analysis the Eximbank Board of Directors has approved a

credit of \$85 million to support sales of U.S. goods and services for a gas injection project which will enable the Angolan firm SONANGOL to maintain production in the Cabinda oil field. This sale will provide jobs for 4,700 American workers for one year. In addition, much of the low-sulphur crude oil produced by the field will continue to be sold to the U.S., providing the American market a source of supply which would be lost if the project did not go forward.

Eximbank has also offered to support the sale of aircraft to Angola's national airline. The airline has now decided to defer its major aircraft purchase, but the Bank's decision to offer support for the transaction indicated our willingness to consider substantial additional exposure in Angola. Recently we have approved a small supplier credit for the railroad in the under-\$5 million range, and have hopes that additional sound transactions will develop. We expect that disbursement on any of these transactions would not take place until the remaining claims were cleared up.

The Bank's action on these cases has been based on a reasonably favorable assessment of Angola's current economic conditions and development prospects, despite the fact that Angola's economy has suffered great damage from after-effects of the war for independence and from the impact of the continued civil war between the MPLA government and UNITA insurgents. Economic conditions deteriorated rapidly in 1974-75 with the flight of the Portuguese, as entire sectors of the economy ceased to function. Production of petroleum has now been largely restored to pre-independence levels, but most other areas of economic activity are still far below the mid-70's peak. Angola has begun using foreign technicians and management from both Eastern European nations and

the West to restart factories and other enterprises and to rehabilitate infrastructure. This effort has begun to show positive results, although much remains to be done.

Despite the difficult political and economic aspects of Angola's current situation we have a reasonably optimistic view of the country's long-term future. Angola has a rich natural resource endowment. In addition to its petroleum fields, the country has exploited deposits of diamonds and iron ore, while other potentially exploitable mineral deposits include zinc, lead, manganese, phosphates, gold, copper, gypsum, bauxite and uranium. Angola's varied topography and climate permit the cultivation of a wide variety of crops, and restoration of agricultural production will allow exports of such cash crops as coffee, sisal, tobacco and cotton to contribute substantially to foreign exchange earnings. Angola was once the world's fourth largest producer of coffee, although production declined sharply as the Portuguese-owned plantations were abandoned at independence. Manufactured goods once contributed about twenty percent of Angola's GNP, and revival of the industries which lost up to 80% of their efficiency when the Portuguese fled could satisfy much of the domestic demand for such items as textiles and beverages.

The MPLA government has taken a number of steps to revitalize the Angolan economy. Despite nationalization of some industries, the government has stressed that private non-Portuguese shares are not being nationalized, and private investors will be allowed a continuing role in Angola's economy. Some Portuguese residents have returned to Angola as a result of a general cooperation treaty with Portugal signed in 1978. Finally, foreign consultants and technicians have been brought in to rehabilitate some industries.

In the interim period as the government begins to restore Angola's economy to full production the sale of petroleum has provided a continuing source of foreign exchange. Petroleum production was interrupted for only a brief period during 1975, and now provides about two-thirds of export income. With some continuing coffee exports and its sales of diamonds, Angola has recorded trade account surpluses in recent years, and projects a surplus of \$225 million in 1980. The overall balance of payments result in 1979 was minus \$5 million, but is projected to improve in 1980 to a very healthy plus \$200 million. The country's external debt is substantial but not overwhelming, with a ratio of debt service payments to total export income of about 15%. Reports from both commercial banks and other countries' export credit agencies indicate that the Angolan central bank services its debt with care, and that payments to creditors are current on all transactions contracted since independence.

With respect to the impact of the continued lack of formal diplomatic relations between Angola and the United States, Eximbank did of course consider this situation when we decided to undertake new business in the Angolan market. It is somewhat unusual for us to make loans in a new market under such conditions, but not at all unprecedented--Eximbank lending was resumed in Algeria well before an American Embassy was opened in Algiers, and the step proved consistent with our normal prudent banking procedures. In such cases we carefully follow all of our customary political clearance procedures with the Department of State, and where large amounts are involved we seek the advice of the National Advisory Council on International Monetary and Financial Policies. In addition, the Congress of course reviews all Eximbank transactions of \$100 million or more. In sum, our normal Washington procedures are adequate to reflect U.S. government-wide policy concerns despite the lack of a diplomatic mission in Luanda.

The diplomatic situation did, however, result in some adjustments in our approach to the Government of Angola. In the absence of a U.S. Embassy our staff visits to Luanda are arranged by the Banco Nacional de Angola (BNA). Since the BNA is our primary contact, and we have established efficient working relations with the BNA staff, we have decided to channel all Eximbank support for sales to Angola through that institution to the extent possible. With an Embassy in place in Luanda we could perhaps broaden our channels to Angolan buyers, and could perhaps cover some additional U.S. export sales for which the BNA would be unwilling to act as obligor for the transaction. We are still exploring the possibilities in this regard, and it is not yet clear whether the lack of an American Embassy in Luanda will prove a major handicap. Since data-gathering is a problem for the Angolan market the normal State Department reporting on economic and political developments has been sorely missed, but the ability of Angola's current administrative apparatus to gather statistics is limited, and there is not a great deal of information available even in Luanda on economic trends.

I should hasten to add here the general comment that our Embassies and Consulates all over the world do provide a great deal of essential support for Eximbank activities, and we would be hard-pressed to operate without their services.

In closing I would note that our own activity in supporting U.S. exports to Angola is but a small part of the fabric of U.S. relations with that country. An American diplomatic mission in Luanda could certainly help to facilitate our task, but we have been able to function for the time being without one. The establishment of formal relations will have an impact on our future business in Angola which will be considerably more important in the long run than the facilitative assistance of an Embassy on the detail work of these first few loans. I believe therefore that from the Bank's narrow perspective our own interests are best served if the timing of any recognition is carefully planned within the framework of overall U.S. Government policy concerns to insure that our future relations with Angola will be harmonious and conducive to the expansion of commercial relationships.

Mr. SOLARZ. We appreciate the modesty and realism of your assessment. It is somewhat unprecedented for administration witnesses to come up here and suggest that the universe does not exactly turn on the interest of that particular department. We appreciate your candor.

I am informed that my good friend from Pennsylvania has a pressing engagement coming up, so if there is no objection by other members of the subcommittee, he may go ahead.

Mrs. FENWICK. From the other members, no objection.

Mr. GRAY. Thank you, Mr. Chairman, for permitting me to go out of order.

I would like to ask all three witness the same question, your own personal assessment:

Should we recognize Angola, and what, if any, qualifications should be attached to that recognition?

Mr. BENDER. I think we should definitely recognize Angola, period.

Mr. HILL. Gulf Oil can take no position, but as a private citizen, we should recognize Angola.

Mr. DUFF. Obviously, Eximbank cannot take a position on that. I personally am not seized with enough of the facts to make a personal judgment on it.

Mr. GRAY. The second question: In your testimony, Mr. Hill, you point out on page 6 the dissident movements are kept in check by the Angolan Army supported by Cuban troops. That makes me wonder about whether or not you would be able to do business in Angola if it were not for the presence of Cuban troops. Would you agree with that, that they, in effect, act as a force that allows Gulf Oil to carry on its business?

Mr. HILL. Mr. Congressman, I have heard reports that the Cubans are protecting our operations, but there are no Cubans in our operations or visible to our operations. We hear rumors that they are in Angola and in Cabinda. So I don't think I can answer that directly.

We do have Angolan policemen at the gates of our operations.

Mr. GRAY. Not on your property?

Mr. HILL. Not on our property.

Mr. GRAY. In the country of Angola it is through their presence, according to your testimony, that these dissident groups are kept in check. I imagine you are talking not only of political checks but military confrontations throughout the country, thereby providing stability for your company to carry out its responsibilities and duties. Of course, I am not asking that in terms of Cuban troops involved in your operation providing direct intervention, but an assessment of Gulf Oil as a private company involved in a major business there. Does the presence of the Cuban troops working with the Angolan troops make it possible for a stable climate for you to do business?

Mr. HILL. I don't think the decision that Gulf Oil made to go back into Cabinda was based on the presence or nonpresence of Cubans.

Mr. GRAY. I am sure it wasn't, but that is not the question I am asking. The question I am asking is: Now, you are back there, what

is the role of Cuban troops in Angola? The statement on page 6 seems to imply some kind of a stabilizing role.

Mr. HILL. The newspapers carry these stories and this is what this statement is based on, not firsthand information.

Mr. GRAY. It is not based on firsthand information but obviously because there is no civil war that affects your business, their role seems to be one that allows you to do business?

Mr. HILL. I think you can draw your own conclusion on that.

Mr. GRAY. I think you have drawn it on page 6.

I have no further questions.

Mr. SOLARZ. Thank you, Mr. Gray.

Mrs. Fenwick.

Mrs. FENWICK. Just to follow Representative Gray's very interesting question, is South Africa operating in Cabinda, or is there some resistance to the Cubans and the Luanda government that is local and native and does not depend on Savimbi and South Africa?

Mr. HILL. We have no firsthand information of Mr. Savimbi. Our only information about Mr. Savimbi we read in newspapers.

Mrs. FENWICK. Who is providing the resistance that you mention here, the sabotage and so on?

Mr. HILL. The dissident groups. The only ones we are familiar with and seem to affect us are dissident groups in Cabinda itself.

Mrs. FENWICK. That is what I am talking about. Are they supported with their sabotaging materials by South Africa and Savimbi?

Mr. HILL. I don't have any idea where they are supported from.

Mrs. FENWICK. Have you heard that Savimbi was operating that far north?

Mr. HILL. No.

Mrs. FENWICK. So, this would be a local resistance, if any?

Mr. HILL. The only ones that we are familiar with and have had any contact with are local dissidents driving for the independence of Cabinda.

Mrs. FENWICK. I have a number of questions, Mr. Chairman.

When Professor Bender started talking about him, I wondered if Savimbi was a latter day Ho Chi Minh. But I am beginning to see a resistance movement regardless of heavy troops by a large power opposing; but I am beginning to see probably more, according to your testimony, Mr. Bender, the question of Cambodia, in which we have two opposing forces, each supplied from the outside, according to your testimony.

We are now reviewing the question of whether or not the United States should continue to recognize the Phnom Penh government which is supported by the troops, and they are, of course, far more numerous, of Vietnam supplied by Russia or the Pol Pot government supplied, as we are told, by China.

In this case, my own hope has been that our Government would not recognize either, but you feel that would be a very serious mistake in this particular case.

I do agree that the general common sense—and I do regard it as such—of public opinion in this country is that it is hard to recognize a government that is kept in place by foreign troops, and there are 37,000, as I understand it, 20,000, Cuban troops, some 5,000 advisers, some East Germans or East European people, and this

does not suggest a locally popular group. I think they executed—whatever word one uses—some resistance people the other day in Luanda. Their agricultural production has fallen by 75 percent, as I understand it; they pay 60 percent of their oil revenue to buy arms from Russia; they pay \$600 a month to every Cuban teacher. The Russians have a segregated beach to which Angolans are not allowed access. It is not a happy picture. I get all this not from any private information anywhere but from the dear old Washington Post.

The politics of the country are described by the Deputy Defense Minister, General Powel, as Marxist, not Socialist but Marxist. Our objections to recognition lie entirely on the fact that our Government does not like the Marxist nature of this Government. We see he is not being quite accurate, since the Petroleum Ministry seems to be happy in its relations with Gulf and satisfied and they have lived up to their agreement.

As far as I understand it, Mr. Hill, there has been no trouble with the agreements that have been reached?

Mr. HILL. That is true.

Mrs. FENWICK. That certainly does not suggest the desire to take over the whole thing. As I understand it, you still have 49 percent of the crude?

Mr. HILL. That is true.

Mrs. FENWICK. On which you pay over \$300 million?

Mr. HILL. That is what we paid in 1979.

Mrs. FENWICK. What interests me, "Taxes, royalties and other payments"—what are your other payments, Mr. Hill?

Mr. HILL. I don't know if I said other payments, did I?

Mrs. FENWICK. I think you did. I may be wrong. I am afraid I forgot to mark down exactly what page it was on. I wondered if you had problems of the kind which you perhaps have already discussed in executive session? I had all those questions written down and then I found them here. Here it is.

On a share of 48,300 barrels a day, Gulf paid \$320 million in royalties and taxes—no, there was something about "other payments" but that I can't find.

Mr. HILL. The only payments we make are royalties and taxes and they are prescribed in the agreement we have with them, just how much and to whom.

Mrs. FENWICK. Then I am mistaken and I am happy to hear that, because that makes it clear. How does it work? Do those come entirely out of your 49 percent? In other words, you pay that \$320 million just on that 49 percent?

Mr. HILL. That is right.

Mrs. FENWICK. It is not deductible or anything?

Mr. HILL. No.

Mrs. FENWICK. Is there any hope, Dr. Bender, for some understanding between Mr. Savimbi and now President dos Santos? Ambassador McHenry was here the other day. He was questioned about the bombing in southern Angola. He said yes, there were incursions from both sides—he underlined "from both sides"—and that the South African incursions are disproportionately heavy in comparison to the damages inflicted by the incursions into Namibia. But they do occur on both sides.

I wonder, having been in southern Angola, did you see Mr. Savimbi? Did you have a chance to talk to him? Is there any hope of their getting together and having an understanding as to how this country can come to peace?

Mr. BENDER. Before I address myself to that, I can't help but comment on your general observations:

As I tried to suggest in my testimony, I don't think it is very helpful to judge alien movements or governments solely on the basis of where they get their arms. The MPLA tries to paint UNITA as a creation of South Africa, because it gets arms from South Africa.

Mrs. FENWICK. So did you.

Mr. BENDER. But I also said they tried to get it elsewhere. I don't think I said just the creation of South Africa. I said it began entirely by itself. But as war has increased it has become more dependent, as has the MPLA; therefore, to make the statement that you did, that MPLA is kept in power by foreign troops, is not fully accurate, because if there were no South African attacks, or previously from Zaire and others, then they would not need the foreign troops to keep them in power.

I don't know if the figures you cite are accurate or not. I don't think anybody in this Government has a clue as to the accurate number of Cubans. The Washington Post has been wrong in the past.

Again, like the executions that took place recently, these were people accused of bombing marketplaces and public places. One man's patriot, you know, is another's terrorist, and it is very difficult for us sitting here to make moral judgments. My wife and I were in Huambo, the capital city of the central highlands; the day we arrived there was a bombing of the marketplace. The panic was terrible. We visited another marketplace where 26 people were killed the month before but the smell of death was still there.

I am not saying that those who practice these acts should be executed, but I can see how there would be a very strong feeling against them.

Mrs. FENWICK. Terrorism is wrong everywhere.

Mr. BENDER. Exactly. I could not agree more.

One other comment: The Soviets don't have a segregated beach in Luanda. I have been on that beach many times. I don't know who wrote that, but I have been there many, many times. The Angolans are not kept out. It is true that you find mostly Soviets and East Europeans, but the Angolans don't particularly like that part of the beach, so that may be a factor.

Mrs. FENWICK. That helps a lot.

Mr. BENDER. Now, your other question, which is a fundamental one: Is there any hope for reconciliation between the MPLA and UNITA? I favor that and I hope that it will come about. I understand that they were very close, near the end of Dr. Neto's life, arrangements were said to have been made for a Neto-Savimbi meeting. I think it is very difficult for President dos Santos at this stage, while he is still consolidating his own position, to take a step like that right now. It also is difficult for him because of South Africa's support, because it is not just reconciling with your broth-

er in the south. The package that comes with your brother is South Africa and how do you explain that to your people?

Mrs. FENWICK. Are there Cubans in the south way down there?

Mr. BENDER. Yes, but they did not fight in the recent incursions.

Mrs. FENWICK. I know, but there are some there?

Mr. BENDER. Yes.

Mrs. FENWICK. That would seem to me to be the only hope. Have you ever spoken to Savimbi?

Mr. BENDER. No, I haven't.

Mrs. FENWICK. I do wish you would, because we have to talk to both sides. There is not any answer for a country like this if they continue to have this polarized situation, is there?

Mr. BENDER. No, I don't think there is hope for the country, because for the most part the agricultural products of Angola come from the central highlands which before independence produced about 85 percent of the food in the country. This area is now more or less paralyzed; it is coming back into its own, but it is still very, very difficult. Without food from that area, the Government is forced to import hundreds of millions of dollars worth of food.

Mrs. FENWICK. Is it true that 60 percent of their revenues go to importing armaments?

Mr. BENDER. I think that that figure would not be accurate all the time. This year they are importing a lot more armaments than they did in 1979, 1978, or 1977. In 1976 there were a lot of imports. So it would vary. I would think that maybe this year it is up to 60 percent because of the increased attacks. For example, to counter South African planes, you have to bring in missile systems and they cost a lot of money.

Mrs. FENWICK. I know. Thank you.

Mr. SOLARZ. Dr. Bender may not have met with Mr. Savimbi but I did. You may have met him also when he was in Washington several months ago. I must say he is obviously an intelligent and impressive gentleman.

Mrs. FENWICK. I wasn't invited.

Mr. SOLARZ. I am sorry you did not meet him because I think it would have been a useful experience for both of you.

One of the things that struck me, after a lengthy conversation I had with him, is that when I pressed him on his view of the kind of ultimate political arrangement he envisioned in Angola, assuming he was successful in his efforts to win political power in the country, he made it clear that he personally favored a one-party system and his major objection to the current arrangements was that he was not part of them.

I thought this was significant because some of his friends and sympathizers in this country have somehow or other conceived the notion that he is the exemplary embodiment of Western liberalism, the kind of African heir of John Stewart Mills. If he were to succeed, multiparty democracy would be installed in perpetuity in Angola.

I am not suggesting that Mr. Savimbi is in any way evil but I think that his views when you understand them are not quite what they are made out to be by some of his supporters here. In any case, I have several questions I would like to ask you and you other members.

Would you hazard a guess as to how many Cubans there are in Angola, both military and civilian?

Mr. BENDER. Military is less than 20,000 and civilians less than 10,000.

Mr. SOLARZ. Now you indicated in your testimony that it was your view that UNITA was receiving military assistance from South Africa. What evidence do you have for that?

Mr. BENDER. When Mr. Savimbi was here he said he did. Also Jorge Sangumba has acknowledged it. As Savimbi says, "I would take aid from the devil if that is what was required."

Mr. SOLARZ. Your evidence is based on Savimbi's statement?

Mr. BENDER. I have seen a lot of South African equipment in Angola that they captured.

Mr. SOLARZ. What kind of equipment did you see?

Mr. BENDER. I saw tanks, troop carriers, bombs, a helicopter, parts of a helicopter that had been shot down, rifles.

Mr. SOLARZ. How do you know they were South African?

Mr. BENDER. Some of them say they were manufactured there. I am not a military expert so I have to rely on military people who were with me.

Mr. SOLARZ. It is your impression that Savimbi is getting military assistance from South Africa?

Mr. BENDER. Yes.

Mr. SOLARZ. Is it your view that most of his military assistance comes from South Africa?

Mr. BENDER. Yes.

Mr. SOLARZ. Does he get it from other sources?

Mr. BENDER. I understand he does.

Mr. SOLARZ. Which ones?

Mr. BENDER. I don't know for a fact but I understand that he gets assistance from France, possibly from Egypt, Morocco. Others, I am not so sure.

Mr. SOLARZ. How do these arms get into the country?

Mr. BENDER. I understand they are flown in by South Africa and also brought across the border.

Mr. SOLARZ. Now you said you thought there were 20,000 Cuban troops in the country. How many East German military personnel?

Mr. BENDER. I don't know.

Mr. SOLARZ. In your view are the Cubans primarily there to deal with the problems created by UNITA or by the problems created by South Africa?

Mr. BENDER. The Cuban troops perform a number of functions. One, they do fight against UNITA but not nearly as much today as they did in the last couple of years. There are disputes as to why they are not fighting. Some say it is because the Cubans have no greater taste for search and destroy operations in Angola than Americans did in Vietnam.

Angolans tell me all the time it is because Cubans are not very good at fighting in the bush. I am not sure which of the reasons is true but I have confirmed from Western European sources that they are not very active against UNITA. They also train the Angolan Army. As Mr. Hill said, they are stationed in Cabinda. They maintain antiaircraft batteries against South African planes and in the south seem to have shot them down. They perform a number of

different functions. Fighting UNITA is just one and certainly not the dominant one.

Mr. SOLARZ. If somehow or other the South African problem can be resolved and Angola no longer feared a South African invasion, if the Cuban troops were withdrawn what would happen in the conflict between the MPLA and UNITA? Would the MPLA be able to contain UNITA without the Cuban troops?

Mr. BENDER. That is a difficult question to answer because I don't know what kind of help in this hypothetical situation UNITA would be receiving.

Mr. SOLARZ. Let us say receiving——

Mr. BENDER. No, they would not defeat the MPLA.

Mr. SOLARZ. Would the MPLA be able to contain UNITA without Cuban troops?

Mr. BENDER. They would be able to contain them without Cuban troops. That is my impression.

Mr. SOLARZ. Is it your view then if the Namibian problem were resolved and pursuant to those arrangements South Africa withdrew from Namibia that the Cuban military presence in Angola would be eliminated?

Mr. BENDER. The Angolan Foreign Minister at the OAU meeting in Sierra Leone precisely stated this in the press conference. Once Namibia is resolved and South Africa is no longer a threat the Cuban troops will go home. My own guess is that most of them would go home but I am sure some of them would remain to train the Angolan Army. Most of them would probably go home.

Mr. SOLARZ. You are reasonably confident of that?

Mr. BENDER. Yes.

Mr. SOLARZ. Obviously it would be in our own interest for the fighting in Angola to end. If we were to establish diplomatic relations with Angola, would that have any implications for an official political reconciliation between UNITA and MPLA? Would we be in a meaningful way in a better position to constructively urge negotiations or a process of reconciliation or a combination between these two?

Mr. BENDER. Clearly we would be in a more constructive position than we are right now where we don't talk to the Angolans about this. We would then be in a position, assuming that Congress changes some of its restrictions on aid, to help reconciliation with aid. I think one of the major factors in reconciliation has to do with hunger, solving the hunger problem. There we could play a very important role. If both sides knew that tomorrow they would not have to worry about food and clothing any more, then I think you would see reconciliation coming about between the peoples of the central highlands and the north much more quickly.

Mrs. FENWICK. You would send food to both sides?

Mr. BENDER. Maybe as part of an agreement, peace agreement, food would be there. I don't know how this would come about frankly, I am speculating, but certainly we are in a position to help in that way. With our present posture we are not in a position at all. We don't talk to either side. We have no credibility with the MPLA. How can we lecture them about reconciliation when they think we are fighting against them?

Mr. SOLARZ. They have received views I assume from other countries that do have diplomatic relations with them that they should attempt to negotiate with Savimbi.

Mr. BENDER. Lots of people have told them that. I wouldn't be surprised if the Soviets have told them that.

Mr. SOLARZ. How much strength does Savimbi have? Do you know how many men under arms?

Mr. BENDER. People claim they have 15,000. I don't know. I really can't tell. My impression is that he is much less stronger militarily today than he was a year ago and he was stronger a year ago than he was 2 years ago. Reporters that have traveled with him in the last year and a half reported on the military weakness of Savimbi. My friends in Angola whom I have found to be very honest and accurate over the last 5 years also tell me that and my own travels through the central highlands indicate it—we would not have been able to drive where we did on roads where a friend of mine, Leon Dash, reporting for the Washington Post, had waited 6 days with UNITA—preparing an ambush—2 years ago. He said don't go on that road.

Like the fool I am, I did go on that road a year and half later and there was no problem. I think it has changed. A lot of the villages that UNITA once controlled that Dash visited are no longer under UNITA's control obviously because there are hundreds of thousands of people there.

Mr. SOLARZ. Who had the byline of the article?

Mrs. FENWICK. That is what I was looking at. How did you read my mind? David Lamb.

Mr. BENDER. He wrote a series of 8 to 10 articles for the LA Times. Some were apparently reprinted here. They are not totally accurate.

Mr. SOLARZ. When you were in the southern part of the country where presumably Savimbi had most of his support were you able to pick up any indications in talking with people how they felt about Savimbi? Do people talk freely? I think it is fascinating that you were in this area, particularly given your knowledge of the country. What political conclusions did you draw? Savimbi, is he to the southern part of Angola what Kim-Il Sung is to Kwanju, the local hero or what?

Mr. BENDER. Two observations and this is a reflection I think on UNITA's lack of strength. They were very concerned about letting my wife and me go. They did not want anything to happen to us. It was agreed that in those areas where we would need military protection they would provide it, which we were happy to have. Of the 650 miles we drove we only had military protection for about 250. The rest we had no guns with us, no soldiers, nothing.

Nobody seemed to be concerned. When we checked in with military officers, they said "Go ahead, no problem."

Now as for what the people there think, my impression is that most of the people in the south and central highlands couldn't care less whether MPLA or UNITA is there; just stop the killing, give us food, let us work. Previously UNITA was able to offer considerable protection for many of the people in the bush. I don't think that they are able to offer that any more, partly out of military

weakness and partly because of the drought. There has been a drought in that area.

One of the ramifications of the drought is that people can't eat in the bush. So you have a huge refugee problem right now in the form of UNITA supporters coming out of the bush. When I talked to them in person they said all the appropriate things. When there are government officials around they are anti-UNITA but when I take people aside they say look, they at least are getting food and protection here. It is much better than they had.

Mr. SOLARZ. How do you speak to them?

Mr. BENDER. Portuguese. Most of the people in that area went to mission schools.

Mr. SOLARZ. There is no question that we are approaching a very critical juncture in the Namibian negotiation and I think we either rapidly move forward or we will slide back. There is no doubt Angola has been cooperative so far in a search for a Namibian solution. They certainly have made many, many concessions in the negotiations. I gather they have used their not inconsiderable influence with SWAPO in bringing them along. To what extent do you think the continued cooperation of the Angolan Government on the Namibian negotiations might be jeopardized or endangered if the conference committee on the foreign aid authorization bill accepted the Senate amendment repealing the Clark amendment which prohibits covert assistance in Angola?

Mr. BENDER. I think it would be disastrous. Without question I don't have any doubt about that. There are presently right now people in the MPLA government who believe that South Africa and the United States or the contact group, will never deliver on Namibia, and some of their eastern friends have encouraged them in this belief that it can only be resolved militarily. Some people in Luanda point to the increased arms shipments to Angola as a sign that this group may be prevailing.

I don't know if that is true or not but that is speculation. I do think if the United States were to drop the Clark amendment there would be no reason for the Angolans to believe that we are honest brokers any more on this question.

Mr. SOLARZ. Supposing we dropped the Clark amendment but the administration both privately and publicly made it clear to the Angolans that we had no intention of providing covert assistance to Savimbi?

Mr. BENDER. The last administration, the Ford administration, gave those kinds of assurances for 11 months while the United States was involved in that war. I doubt whether any Angolan would believe them if they gave those assurances again. I would have a difficult time believing it.

Mr. SOLARZ. You think if we did repeal the Clark amendment that Angola would walk away from the negotiations?

Mr. BENDER. I think they would walk away for awhile. I don't know how long they would stay away. Clearly it is in their interest to resolve the Namibian matter diplomatically. Probably that is the reason they made so many concessions but they would walk away for some time.

Mr. SOLARZ. Mr. Hill, I was unclear on the basis of your colloquy with Mr. Gray about the presence of the Cubans in Cabinda. To

your knowledge are there any Cuban military forces in Cabinda where you have your operations?

Mr. HILL. We see Cuban soldiers at Cabinda airport. Those are the only Cubans that I personally have seen and they are the only Cubans that our folks who are there see.

Mr. SOLARZ. How many have you seen?

Mr. HILL. Two or three at a time.

Mr. SOLARZ. Have you heard of other Cubans?

Mr. HILL. We hear there are Cubans in the bush and in the surrounding countryside.

Mr. SOLARZ. Do you believe there are?

Mr. HILL. I have no reason to doubt it.

Mr. SOLARZ. Do you know how many?

Mr. HILL. I have no idea how many. I have only seen reports in the local newspaper reported to us of 1,000 or 1,500.

Mr. SOLARZ. You have seen reports in the local press?

Mr. HILL. Reported to me by people who live there.

Mr. SOLARZ. That there are 1,000 to 1,500 Cuban troops in Cabinda?

Mr. HILL. Yes.

Mr. SOLARZ. Is there much insurgent activity in Cabinda?

Mr. HILL. The only ones we are familiar with are what I reported, the factions that are seeking independence for Cabinda.

Mr. SOLARZ. By activity I mean bombs going off, attacks, guerrilla activity, like in the south.

Mr. HILL. I don't know of anything to that extent in the south. I haven't heard anything to that extent.

Mr. SOLARZ. If the Cuban forces were withdrawn from Angola tomorrow, would you fear for the continued security of your operations?

Mr. HILL. I think I would have to say that we always fear for our operations when there is this kind of activity going on. It might make it a little more uncertain although we have assurances from the government that the Angolan police and the Angolan troops will protect us.

Mr. SOLARZ. You consider those assurances adequate? Do you feel comfortable with them?

Mr. HILL. I have no reason not to.

Mr. SOLARZ. How many attacks have there been against your facilities?

Mr. HILL. Four.

Mr. SOLARZ. These are relatively low level things?

Mr. HILL. They are all attacks on our only onshore pipeline and they are very minor.

Mr. SOLARZ. They cut the pipeline?

Mr. HILL. Yes.

Mr. SOLARZ. If somebody wanted to do something really serious, what would they do?

Mr. HILL. Mr. Chairman, I don't think you want me to announce here to the world those things they might do to stop our operations.

Mr. SOLARZ. Certainly not. I am really trying to gage the seriousness of these attacks. Do you feel that there is a threat in Cabinda to the security of your facilities? Do you feel differently than the

way you did in operations in other countries where you don't have these activities but we always have crime? In other words, does this go beyond the problem of common crime? Do you perceive a threat to your facilities which you have to be protected against?

Mr. HILL. Mr. Chairman, in any circumstances where warnings are sent to you from time to time you are concerned more than normal.

Mr. SOLARZ. What warnings have you gotten?

Mr. HILL. Warnings have been reported to this committee in the past about operations that might affect our day-to-day operations.

Mr. SOLARZ. You mentioned threats?

Mr. HILL. Threats.

Mr. SOLARZ. Unless you do what?

Mr. HILL. Requests have been made for us to support these factions.

Mr. SOLARZ. Financially?

Mr. HILL. Financially or any other way we might.

Mr. SOLARZ. Just one or two more questions and then I will yield to the gentlewoman from New Jersey.

Dr. Bender, can you tell us in your judgment why the Angolans voted against the resolution in the U.N. condemning the Soviet invasion of Afghanistan?

Mr. BENDER. I discussed it with many, many Angolan officials. My impression is that that vote was taken partly out of ignorance. Two of them told me, "You know, if you had had an American embassy here to explain the situation to us we might have been able to understand it better."

In one case I think it was truly ignorance, because he did not know that former President Amin had been shot or anything. On the other hand I think that right now the Angolans on issues like that have very little flexibility. They are very dependent on the Soviet military. I think on a major issue like this it would be difficult. On lesser issues they have opposed the Soviets in many U.N. votes. In the case of Namibia and Zimbabwe both, where the Soviets have opposed elections, Angolans were strong supporters of elections. On the Middle East when Camp David was signed and most of the Soviets' friends withdrew their representation from Cairo, Angola sent a representation and it still remains. During the war in the Horn in 1977 when the MPLA Party Congress met in December 1977, the Soviets and the MPLA arrived in Luanda with a resolution to condemn Somalia. The Angolans said no resolution will be allowed on that issue in our party Congress.

Mr. SOLARZ. Why?

Mr. BENDER. Because they always had good relations with Somalia and did not want to attack Somalia.

Mr. SOLARZ. Did they have diplomatic relations with Egypt?

Mr. BENDER. Yes and there is an ambassador there right now.

Mr. SOLARZ. Have they condemned the Camp David agreements?

Mr. BENDER. I don't know. I haven't seen anything on that.

Mr. SOLARZ. Finally, is it your view that the Angolans would like to have the Cubans leave or do you think they would like to have them stay, assuming that the problems which presumably led them there originally could be resolved? In other words do they view the Cuban presence as a real plus for their country which they are

perfectly comfortable with? Even if Savimbi's threat were to diminish, they would still be happy to have them remain or do they view it as a sort of potential threat, a burden, an implicit infringement on their sovereignty, a threat to their independence makes them a little bit insecure, they resent perhaps the dependence they have on them and would actively like to have things work out so that they could get them out?

Mr. BENDER. It depends on what Angolans you speak with. If you talk to high government officials obviously they will never say they want a single Cuban to leave, publicly. Privately they talk about how it would be nice to have the Cubans replaced in certain sectors where they have not been particularly successful. I don't think the question can be answered yes or no. I think in certain sectors the Angolans are extremely pleased with the Cuban help and they have good reason.

Mr. SOLARZ. Where?

Mr. BENDER. Particularly in the medical field where they have been very, very successful and in construction. About a third of the Cuban technicians that are there are in the construction field. Since construction was completely paralyzed with the departure of 300,000 Portuguese the Cubans went in and sort of finished up the buildings that were started and began building many new ones. You could not find a single Angolan that would criticize the Cubans for doing that.

They will say that in some areas they feel that the quality of Cuban assistance has dropped but that it is not to say that they necessarily want them all to leave. I don't believe that Angolans feel that the Cuban presence in the country is an infringement on their sovereignty. I have been assured many times by various Angolans that whereas the Cubans are a problem, and they admit it, they are probably less of a problem than any other group of foreigners you would have in that country because they are very disciplined about not intervening in Angolan affairs although I have had various Angolans say to me if the Cubans would stay away things would be better.

Even those individuals would not support all Cubans going.

Mr. SOLARZ. Mrs. Fenwick.

Mrs. FENWICK. Is it true they are paying Cuban teachers \$600 a month? In other words, they are paying for what they get from Cuba?

Mr. BENDER. I don't know if David Lamb's figure of \$600 a month is correct. I asked people down there if that was true. I guess for some skilled Cuban technicians it is \$600.

Mrs. FENWICK. For teacher?

Mr. BENDER. I don't know if it is that but it could be. All Angolans say they pay the Cubans a lot of money. It is interesting, they add, that this gives them some independence because they have sent Cubans home that did not cut the mustard and since they are paying for it if they don't get the services they find it elsewhere.

Mrs. FENWICK. What are the other factions in addition to UNITA that seem to be operating in Cabinda?

Mr. BENDER. The only other one is the FNLA so far as I know, with the exception of a few pockets in the north, they basically

atrophied. Zaire has expelled Mr. Roberto. He is living in France. Nobody seems to be concerned at all about FNLA problems although I did notice last week a brief news item saying a few FNLA had been caught. If they have been caught obviously there are some still out there.

Mrs. FENWICK. As far as you know those are the only ones, so to speak, resistance groups?

Mr. BENDER. Yes. The main problem is UNITA.

Mrs. FENWICK. You speak of their military weakness? Is that supply?

Mr. BENDER. No. Supplies I don't think is a problem. It is the ability to operate among the people safely. Right after the civil war I think most of the Ovimbundu felt that only by joining UNITA could they protect themselves.

Mrs. FENWICK. Against what?

Mr. BENDER. There were all kinds of speculation about what would happen to the Ovimbundu in the country. I don't think the MPLA ever gave cause for that speculation but in a civil war the enemy is always painted in nefarious ways that frighten people. The civil war itself was a nasty war. I am sure there are enough experiences that people saw or heard about that it would make them afraid.

Mrs. FENWICK. Supposing that Namibia were to be safely settled and the South Africans withdrew and UNITA continued to get support from, I think you said, France and Portugal?

Mr. BENDER. I said France and Morocco. Some Portuguese groups I am sure are also supplying aid.

Mrs. FENWICK. Suppose that continued, what chance would there be for any rapprochement between the two? If you can't stop France, Portugal, and Morocco and you can't stop Cuba and East Germany and Russia, are we going to get another Cambodia?

Mr. BENDER. I certainly hope not. I don't think it has the elements of another Cambodia in it.

Mrs. FENWICK. You don't?

Mr. BENDER. No. There is no massive genocide going on in the country on either side. The level of killing is not that great.

Mrs. FENWICK. No, but the level of interest seems to be and that is what really does it, doesn't it. I think whether Pol Pot killed people or not, Vietnam would have wanted control just as they did in Laos which had no Pol Pot. They simply took over Laos and they gassed and bombed whoever was still resisting. When they finished that they moved on to Cambodia. The interest of a nation does not always evidence itself because of terrible cruelties such as Pol Pot's regime.

Other things seem to move them.

Mr. BENDER. One major difference in Angola is that outside forces, say the Vietnamese in Cambodia today, are not analogous in Angola. There are no Vietnamese running the Angolan Government. They are no "Vietnamese"—I am talking about Cubans and Soviets—running the country as in Cambodia.

Mrs. FENWICK. Some people are saying we ought to recognize Heng Samrin. He is held there by force of Vietnamese arms. I think that is the impressive thing about Mr. Mugabe who has come here

and taught a great lesson that somewhere leaders have to be found who care more about having peace for their people.

Mr. SOLARZ. If the gentlewoman will yield on this point, I am not clear what prevents a political reconciliation between UNITA and the MPLA, what prevents establishment of a kind of coalition government?

Mrs. FENWICK. One party coalition?

Mr. BENDER. That is a very complicated and also I won't say naive question and an Angolan might say what prevents Ronald Reagan and Jimmy Carter getting together and running on a single ticket. You know, it is not easy, especially if they have fought a bloody civil war, to get together; especially, as Mrs. Fenwick has cogently pointed out, when you have so many outsiders that are stirring up the pot. Each of these outsiders has a certain interest. Their interest is not always the interest of peace.

I don't think South Africa is very interested in seeing a reconciliation in Angola between UNITA and the MPLA. I think what they are doing is helping to prevent any reconciliation. To follow up, I agree with Congresswoman Fenwick that we do need peace and Mugabe is a very important lesson. One of the lessons especially in Angola is that whereas many Americans were calling for us to intervene in Rhodesia at the end, and fortunately this committee in its wisdom went against it and saved it I think in many ways from happening, there are now Americans who are asking us to intervene in Angola again.

I am absolutely certain that that kind of intervention would not lead to peace, it would lead to more deaths.

Mrs. FENWICK. Yes, but to ask the American public to accept recognition of a government which, as I understand it and the Portuguese know better than I, attacks the United States daily in the newspapers and is held with 37,000 Marxists oriented or whatever, if those are the figures, 5,000 East Germans, 5,000 Russians, and 27,000 Cubans, if they are accurate figures, it really is quite something to swallow.

Mr. BENDER. We have relations with the Soviet Union that has 200 million Marxists. We have relations with Poland and many countries that have Marxists. Obviously we can get along with Marxist governments. We get along with Congo Brazzaville which is Marxist, as well as Mozambique and the Republic of Guinea.

Mrs. FENWICK. That is a government that is operating in its own conception of its government interests. This is a country operating by grace of foreign arms which is contrary to our interest.

Mr. BENDER. I don't think it is accurate to say that the MPLA Government is operating against the interests of the people of Angola.

Mrs. FENWICK. I didn't say that. I said is held in place by a country which is not primarily interested in the welfare of the people of Angola.

Mr. BENDER. They would not have to be held there if there were not outside aggression. They would not need those troops to keep them there. I think you can't view it in a vacuum. You can't say just look at the MPLA having, if it is really 37,000 troops, the Cubans. You have to look at South Africa's role.

Mr. SOLARZ. I think an interesting comparison would be between Afghanistan and Angola. I don't think there is any doubt, for example, that in Afghanistan if the Soviet troops were withdrawn, even if there was no other country in the world that was providing aid to the Afghanistan rebels, the government of Barbrak Karmal would be overthrown in 24 hours. In that sense you do have a government imposed by foreign troops.

Yet I think we still have an embassy there, strangely enough. In Angola, I gather your testimony will be, and I am looking forward to hearing what the CIA and State Department has to say, I gather your testimony would be that if in fact Savimbi was no longer receiving aid from South Africa, that under those circumstances the Cuban forces were all withdrawn, the MPLA would still be able to remain in power, they would not be able to eliminate the insurgency but they would not be overthrown.

Mr. BENDER. Definitely would not be overthrown.

Mrs FENWICK. Even if they were getting aid from those places?

Mr. BENDER. I put the qualification that if UNITA were not getting aid.

Mrs. FENWICK. He said South Africa. Suppose they are getting aid from somewhere else?

Mr. BENDER. Morocco can send them arms but they can't give them the same kind of logistic support which is so vital.

Mr. SOLARZ. I understand there were two or three occasions when Mr. Savimbi was surrounded by Angolan troops or Cuban troops and was kind of helicoptered out or flown out by the South Africans. Is that true?

Mr. BENDER. In one case it was with the BBC team I believe in November 1978 or December 1978. They reported it quite extensively.

Mr. SOLARZ. Mrs. Fenwick, do you have further questions?

Mrs. FENWICK. I have no further questions.

Mr. SOLARZ. I just have one other one. This kind of puzzles me. Why was Angola so unwilling to accept the presence of the UNTAG force on their territory monitoring SWAPO bases in the context of the Namibian agreement which was the original proposal of the "Western Five"? I know they used the argument that this was an infringement of their sovereignty but frankly that does not sound very persuasive. There are dozens of countries in the world that have either U.N. troops on their soil with their consent. They don't claim it infringes their sovereignty.

Syria has them on Golan. Egypt has them in the Sinai. Cyprus has them over there. If this would have been necessary to an agreement, why did they oppose it?

Mr. BENDER. I don't know factually why. I can speculate that if you look at the negotiations during that period South Africa was also objecting to UNTAG troops and maybe it was more of a position of pride and negotiating strategy than anything else.

Mr. SOLARZ. Let me thank all of you for coming today and sharing your wisdom with us.

Mrs. FENWICK. Mr. Chairman, I have found where "other payments was." I did not want to leave it on the record that I was inaccurate. It is on page 7, "taxes, royalties and other payments."

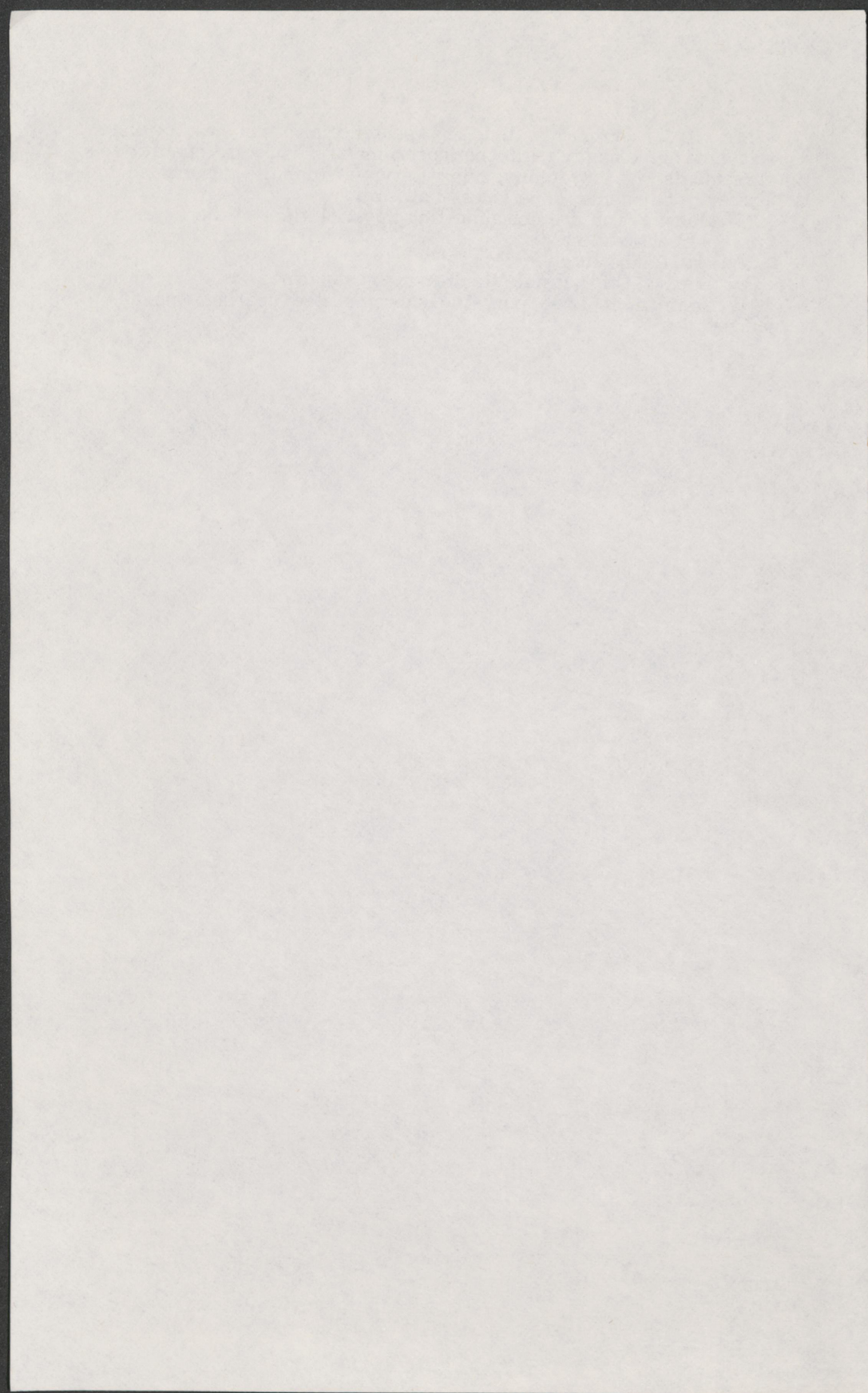
Mr. HILL. I can clarify that. That sentence also includes "by the relevant agreements with the government." That is, operating agreements. We buy many, many services from the government. These are payments for services, that is all.

Mr. SOLARZ. You are not admitting any violations of the Foreign Corrupt Practices Act?

Mrs. HILL. Absolutely not.

Mr. SOLARZ. On that note the hearing is adjourned.

[Whereupon at 12:05 p.m. the subcommittee hearing was adjourned.]



## UNITED STATES POLICY TOWARD ANGOLA— UPDATE

TUESDAY, SEPTEMBER 30, 1980

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON AFRICA,  
*Washington, D.C.*

The subcommittee met at 11 a.m. in room 2255, Rayburn House Office Building, Hon. Stephen J. Solarz (chairman of the subcommittee) presiding.

Mr. SOLARZ. The subcommittee will come to order.

This is our second hearing on the current situation in Angola and U.S. policy toward that country.

At our previous meeting, political science professor, Gerald Bender, and Gulf Oil's president of Exploration and Production Co., Melvin Hill, urged U.S. diplomatic recognition of Angola for a variety of political and economic reasons. An official of the U.S. Export-Import Bank described our growing official economic relations with Angola.

Today we will hear from Assistant Secretary of State for African Affairs Richard Moose to learn the administration's perspective on Angolan relations, and from Congressman Robert K. Dornan of California, who would like to share his own concerns and thoughts about current Angola policy.

We hope that our witnesses will be able to shed additional light on the present political regime in Angola, the strength of its opposition, the role of South Africa, Cuba, and the Soviet Union, and arguments for and against normalization of diplomatic relations between the United States and Angola.

Mr. Moose, would you like to begin?

### STATEMENT OF HON. RICHARD M. MOOSE, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS

Mr. MOOSE. Thank you very much, Mr. Chairman.

I am pleased to have the opportunity to testify before this subcommittee and to answer certain specific questions you have raised.

The events of 1974 and 1975, including our action in the Angolan civil war, continue to cast a long shadow over our relations with Angola. We are engaged in a process of reconciliation with a government with which we have differed on some issues and collaborated on others.

That process takes time. It is complicated by the presence of large numbers of Cuban combat troops in Angola. Our policy is designed to encourage the reconciliation process, while taking ac-

count of the broad range of American foreign policy interests and objectives.

The United States continues to look forward to the eventual establishment of diplomatic relations with the People's Republic of Angola. While we have not normalized relations, we have sought to work with the Angolan Government on issues of mutual concern and in ways designed to avoid isolating ourselves from that Government.

U.S. and Angolan interests have proven compatible in the resolution of regional disputes. Most notably, Angola has played a leading role among the frontline states in working with SWAPO and in developing initiatives to further the Namibia negotiations.

Angola will continue to play a major role in the way that Namibia's independence, and other future changes in southern Africa, are brought about, whether by armed struggle or through peaceful processes.

In addition, in June 1978 President Neto of Angola and President Mobutu of Zaire agreed to stop supporting movements based in their respective countries opposed to the government of the other. That agreement has endured, and both nations have sought to strengthen the provisions of the accord.

We have also promoted our commercial relationship with Angola, potentially one of Africa's richest nations. The United States purchases a substantial portion of Angola's present oil production of about 140,000 barrels per day.

The Angolans have sought to do business with U.S. firms in a number of sectors where these firms offer the best products or service. Primary among these have been petroleum firms, such as Gulf and Texaco. Boeing and Lockheed have established good relations with the Angolan airline, TAAG.

The Angolans have negotiated Export-Import Bank financing for major projects and are planning to purchase additional reputable or high technology U.S. products in the near future. Both the Angolans and U.S. firms have indicated that trade and investment would probably increase substantially with the establishment of diplomatic relations.

The United States has not established diplomatic relations with the People's Republic of Angola because of our concern about the presence of 15,000 to 21,000 Cuban troops in Angola, the role they play, and our opposition in principle to Cuban intervention in regional conflicts for purposes that serve Soviet objectives.

We believe the Cuban military presence fulfills three functions.

First, a deterrent role. Both the MPLA—Popular Movement for the Liberation of Angola—government and the Cubans have maintained that the Cuban combat forces will remain in Angola as long as they are needed to defend the country from outside attack.

It appears the presence of Cuban combat forces in substantial numbers is intended primarily to play a deterrent role against the threat of a large-scale South African invasion such as that of 1975, which was designed to bring about or contribute to the fall of the MPLA Government.

Second, support and advice to FAPLA. The Angolans assert that the Cubans no longer have a combat role against UNITA, the National Union for the Total Independence of Angola, and that the

Cuban role is evolving from a combat function to that of supporting and advising the FAPLA—Angolan Armed Forces.

Although the FAPLA appear to be assuming a larger share of Angola's defense burden, the evidence suggests that the Cubans apparently still provide garrison, logistical, artillery, and air support to the FAPLA.

Third, protection of the MPLA leadership. The Cuban presence also probably provides a deterrent to coup attempts. In 1977, the Cubans played an important role in putting down a coup attempt against the Neto government from an MPLA faction.

The Cubans have enjoyed some access to other African liberation movements which have elements based in Angola, but do not appear to have gained substantial influence with these groups.

Although incomplete evidence suggests that the Cubans may have had a role in encouraging or supporting the two Shaba invasions in 1977 and 1978, they do not appear to be playing an important role with the Katangans at present.

The Cubans trained some Zimbabwe guerrillas in eastern Angola. We hear little about Cuban contacts with SWAPO in Angola, although the Cubans are believed to provide some training and advice.

The evolution of the Cuban role inside Angola, and the restraint on Cuban involvement in other regional conflicts, suggest that the Angolans both want to and do exercise control over the Cubans, and intend gradually to diminish the Cuban military role.

In fact, the Angolan Foreign Minister stated publicly on June 30, 1980, that with a Namibia settlement, Angola would be in a position to inform the Cuban Government that Angola is able to dispense with the Cuban military presence.

However, it is our opinion that a Cuban military presence may be prolonged as long as the UNITA insurgency continues. We regard the continued presence of large numbers of Cuban combat troops in Angola as inimical to Africa's own interests in not becoming an East-West battleground.

We continue to work to create conditions, such as a Namibia settlement, that would promote the early withdrawal of South African troops from Namibia and Cuban combat troops from Angola.

In the meantime, we are aware that the lack of formal diplomatic relations constrains our ability to pursue other important U.S. interests in Angola and the region.

Ironically, our absence from Luanda because of our concerns about Soviet and Cuban adventurism gives the Soviets greater flexibility to extend their influence over the MPLA, and makes it more difficult for Angola to pursue a truer nonaligned course and better relations with the West.

Moreover, our absence from the Angolan scene handicaps our ability to encourage effectively a peaceful settlement of the internal hostilities between the MPLA and UNITA.

Angolans have indicated to us that trade with the United States would in all likelihood increase substantially if there were diplomatic relations. Similarly, there are American businesses which are reluctant to pursue existing opportunities in Angola absent an official U.S. presence there.

Finally, we are unable to offer consular services to Americans in Angola, including those who are in prison there.

Since the death of Angola's first President, Agostinho Neto, in Moscow following surgery in September 1979, the Angolan Government of President Jose Eduardo dos Santos has continued to pursue the policy guidelines laid down by Neto.

The Angolans have continued their active pursuit of a negotiated Namibia settlement, and in general sought to establish a truer nonaligned policy by establishing diplomatic relations with western countries.

In anticipation of an MPLA party congress in December of this year, and given the provisional nature of Dos Santos' appointment as President, the MPLA is reviewing the policies it has followed to date. Future policy will be influenced by MPLA reactions to pressures emanating from five sources:

One, the South African attacks. The South Africans frequently conduct cross-border military strikes against SWAPO bases in Angola where some 5,000 SWAPO guerrillas are said to be located.

While the primary objectives are SWAPO installations, the South Africans have increased their attacks on the Angolan infrastructure, including targets such as bridges, key railroad links, trucks, factories, and other facilities. They have also bombed Angolan towns and villages, forcing the population to flee into the bush.

Occasionally, they have also become embroiled with Angolan forces, although they seemingly have tried to avoid doing so.

The most recent large South African military operation was conducted in June 1980 when the South Africans sent in a sizeable force supported by air power to destroy the principal SWAPO base in southern Angola and numerous smaller bases.

In a statement before the United Nations Security Council hearings on that attack, Ambassador Vanden Heuvel said,

No principle enshrined in the United Nations charter is more fundamental to the maintenance of good relations between states than mutual respect for the territorial integrity of all nations.

South Africa's disrespect for this principle is intolerable to the international community. It is an affront to the people of Angola, with whose suffering and loss the people of the United States deeply sympathize. We should, and do, condemn it.

Angola has asserted that the South African attacks to date have cost the country well over \$100 million in damages to its economy. Although casualty figures have not been confirmed, they are believed to be high.

While the South African attacks are highly damaging in themselves, they also support Angolan fears of another South African invasion on the order of that of late 1975, when South African troops intervening in the Angolan civil war penetrated close to Luanda itself.

The South African attacks are cited by the Angolans and the Cubans as the principal reason for the presence of Cuban combat troops. To date, the South African Government has not deterred the Angolan Government from pursuing a negotiated Namibia settlement nor from supporting SWAPO.

However, delay in attaining agreement on implementation of the U.N. plan for Namibia only strengthens the hand of those who believe that increased military support to SWAPO is the only viable means to attain an independent Namibia.

Two, the UNITA insurgency. The MPLA has established control of the country through its control of the Central Government. Government administration and social services in the provinces, however inadequate, are provided by the Luanda Government.

The MPLA appeal is national in character and, as such, is directed to a variety of racial and ethnic groups. UNITA, on the other hand, draws substantial support from the Ovimbundus and related subgroups, who comprise 45 percent of Angola's population.

Although the movement conducts military operations with relative facility across wide areas of central and southern Angola, it cannot be said to exercise administrative control over or provide services to much, if any, territory. Much of UNITA's appeal to its tribal base is due to the charisma and shrewdness of its President, Jonas Savimbi.

Since its defeat in the 1975-76 Angolan civil war, UNITA has conducted guerrilla warfare against the Central Government. It continues to receive external assistance from Middle Eastern and European countries and from South Africa. UNITA's major military success has been to keep the important international Benguela Railway virtually closed.

On balance, we view the hostilities between the MPLA and UNITA as a stalemate. The MPLA and their Cuban military supporters have shown themselves unable to diminish the military activities of UNITA. On the other hand, UNITA is unable to expand its operational areas beyond its areas of tribal support, or consolidated control in its traditional areas of activities.

Therefore, we see as alternatives either a prolonged conflict with attendant costs in human and material resources, with a potential for greater outside intervention and with serious consequences for regional stability and development—or a political settlement between the MPLA and UNITA.

Three, the economy. The severely depressed state of Angola's economy is a matter of critical concern to the MPLA. Today, only the petroleum sector of the economy is generating income at anywhere near preindependence levels. All other sectors are either stagnant or operate at a fraction of their prewar levels.

Angola was formerly the world's fourth largest coffee producer and sixth largest diamond producer. Current activity in these sectors is perhaps one-fourth or one-third of previous levels. Once nearly self-sufficient in food production, Angola now imports a major portion of its requirements.

As a result of the South African attacks, fighting between the MPLA and UNITA and recent droughts, international agencies have estimated between 300,000 and perhaps as many as 800,000 persons in the central area of Angola are facing famine or severe food supply problems.

The exodus in 1974 and 1975 of more than 300,000 Portuguese who supplied managerial and technical expertise left the economy crippled and dependent on technical expertise, mostly from Cuba, to keep government ministries and the economy operating at even a minimum level.

The effective closure of the Benguela Railway by UNITA has meant the loss of perhaps \$100 million annually in income from transit of Zairian and Zambian goods.

Despite the general economic malaise, oil production at current high world market prices has enabled Angola to maintain a small overall surplus in its balance of payments. It is unlikely that meaningful economic development, especially outside the petroleum sector, will take place until political stability has been attained.

Four, Soviet pressure. Since Neto's death, available evidence points to a resurgence of Soviet attempts to exert influence in Angola. The Soviets may be more involved in directing and advising military operations, there is a more strident pro-Moscow tone in official statements and in the media, and the Angolans are under pressure to funnel lucrative contracts to Soviet or eastern bloc suppliers rather than to Western corporations.

The Angolans have resisted Soviet attempts to gain military bases, although it appears the Soviets do have limited use of naval maintenance facilities in Luanda where Soviet naval ships occasionally call.

Five, pragmatism versus ideology. Historically, the MPLA has not been a monolithic party. This is true today. Many MPLA members are deeply concerned over Angola's severe economic problems and lack of development, and are generally discontent with the scanty economic assistance provided by the Soviets and their friends.

MPLA policy has been undergoing intense review since Neto's death, and this likely will continue at least until the December 1980 party congress of the MPLA.

In practice, the MPLA has maintained the essence of the foreign policies established by Neto—constructive participation in the Namibia negotiations and pursuit of better relations with the West and with Angola's neighbors.

If these policies are to be maintained and pragmatic policies followed in other areas, they must be seen as producing results for Angola.

Elements within the MPLA point out that after 3 years of negotiations, the West is unable or unwilling to "deliver" the South Africans on the Namibia issue and maintain that an enlarged armed struggle is the only way to realize an independent Namibia.

They also point out that the "opening to the West" has produced neither diplomatic relations with the United States nor substantial Western economic assistance.

A Namibia settlement, problematic as it may be, would have an important impact on the political and economic scene in Angola. It would:

Remove the threat of South African military attacks from Namibia and enable the Angolans to reduce the Cuban military presence, which they have stated publicly they would do;

Sever, in the MPLA view, assistance to UNITA from South Africa;

Allow the MPLA to divert human resources from the military to economic development, and improve the climate for investment;

Reduce Soviet leverage; and

Validate the pursuit of pragmatic policies and the credibility of the proposition, already proven in Zimbabwe, that negotiation is a

viable alternative to armed struggle in the solution of southern African problems.

That concludes my statement.

Mr. SOLARZ. Thank you very much for an excellent statement.

Mr. Secretary, is the complete withdrawal of the Cuban military presence in Angola an absolute precondition for the establishment of diplomatic relations between our country and Angola?

Mr. MOOSE. We have never addressed the question that way or put it to the Angolans in that way, for the simple and practical reason that I don't think the Angolans any more than anybody else will accept the establishment of a precondition of that sort.

So, we have not put it that way.

We have also sought to draw some distinction between Cuban combat personnel and Cuban military personnel who may be performing other civilian type roles in a country where there is a great shortage of indigenous technicians.

Mr. SOLARZ. Are the Cuban military forces in Angola engaged in fighting against UNITA at this point?

Mr. MOOSE. We don't believe that they have any significant role in that respect, though they have at various times in the past. They may still provide a certain amount of support for the Angolan forces.

I am not saying they don't ever engage in fighting against UNITA. Their enthusiasm is not for a combat role against the Angolans, against UNITA.

Mr. SOLARZ. So the great bulk of the fighting against UNITA is conducted by FAPLA?

Mr. MOOSE. Right.

Mr. SOLARZ. If the Cubans were to withdraw all of their combat forces from Angola, and if the Namibian problem were resolved, so the connection between South Africa and UNITA was severed, do you believe that the MPLA government would be able to militarily contain UNITA? In other words, are they dependent on the Cuban presence in order to maintain themselves in power?

Mr. MOOSE. Well, on the assumption that there would be substantial reduction or an end to South African and other outside support for UNITA, I believe that over time a combination of FAPLA pressure, and evolving political circumstances would alter the nature of the problem.

As I suggested earlier in a comment to Mr. Goodling, I think that in looking at the eventual reconciliation, which would be preferable to a military solution, a large complicating factor is the UNITA-South African liaison.

Mr. SOLARZ. Now, the Angolans clearly believe that UNITA is getting substantial and significant support directly from South Africa. How much support do we believe UNITA is getting from South Africa, and what kind of support are they getting, if any?

Mr. MOOSE. Well, we believe it has varied from time to time—it is not something we have a very good hold on. Some believe that UNITA is able to meet a lot of its needs from captured equipment and from other sources that are independent of the South Africans. It is a difficult area.

The MPLA believes that South Africa support is substantial and critical to UNITA.

Mr. SOLARZ. Do we share that view?

Mr. MOOSE. I think they may exaggerate it a bit.

Mr. SOLARZ. But we do believe that South Africa is supporting UNITA?

Mr. MOOSE. I am persuaded that they are, yes.

Mr. SOLARZ. And what form does that support take?

Mr. MOOSE. Clandestine deliveries of military supplies of one sort or another and, I suspect, intelligence support. I believe in some ways they operate jointly, not exactly right next to each other, but I think there is a degree of coordination.

Mr. SOLARZ. If there is a Namibian agreement, do you anticipate that under those circumstances we would normalize our diplomatic relationship with Angola, assuming that agreement was reached to some extent because of Angola's cooperation in our diplomatic efforts?

Mr. MOOSE. I believe that a Namibia settlement would, as I have said, set in train a series of events that hopefully would enable us to go ahead and normalize relations.

Mr. SOLARZ. Professor Bender, when he testified, indicated, based on his travels through the southern part of the country, that he was convinced that the South Africans, from a military point of view, were going far beyond the hot pursuit of the SWAPO forces and were engaged in almost daily raids on Angolan installations, facilities, villages, and towns, and that substantial damage had been inflicted on the Angolan people and economy, separate from SWAPO. Is that our view?

Mr. MOOSE. Well, I have great respect for Professor Bender's views on this. Since he has traveled extensively in that area recently and, since I don't know anybody else who has done that, I have to give a lot of weight to what he says.

However, I have heard him describe this. I have read his testimony before this committee, and his description of the extent to which South African attacks go beyond attacks on SWAPO is a little bit more than we can support with the evidence available to us.

Nevertheless, it is quite clear to me that the South Africans have inflicted quite a lot of damage on civilian targets and civilian infrastructure.

Mr. SOLARZ. As you know, the Senate voted to repeal the so-called Clark amendment. That is an issue which is now in the conference between the House and the Senate.

Let me ask you, first of all, what impact, if any, do you believe the repeal of the Clark amendment, which prohibits covert or paramilitary assistance to any insurgent forces in Angola without the consent of the Congress, what impact would the repeal of that amendment have on the continued willingness of the Angolan Government to cooperate with us in the search for a peaceful settlement of the Namibian question?

Mr. MOOSE. It would have a calamitous effect. Its effect on our relationship with Africa in general would be very serious.

Mr. SOLARZ. You think it would probably remove whatever chances there are of a Namibian agreement?

Mr. MOOSE. I wouldn't go quite that far, but I think it would greatly complicate the problem of Angolan cooperation with the contact group of five nations that are seeking a solution there.

Mr. SOLARZ. Let's assume that the House yields to the Senate on this, and the Clark amendment is repealed. Do we have any plans, intentions or thoughts of providing covert assistance to anyone in Angola?

Mr. MOOSE. No, we have none. The President and the White House have reaffirmed the fact that we have no intention of involving ourselves in the Angolan conflict in any way, even if that amendment were to be repealed.

Mr. SOLARZ. But I gather the Angolan problem would be somewhat dubious about those assurances.

Mr. MOOSE. Given the record of the past, I think that the Angolans would not be reassured. On the basis of the readings we have had of their reaction, I am afraid that they would not.

For better or for worse, the Clark amendment is widely regarded in Africa, by Africans, and by African governments that are nowhere similar in political persuasion to the Angolans as a sort of unilateral nonaggression declaration on the part of the United States, that we are not going to engage in things of this sort against Africa. It is seen that way. It has that value.

Mr. SOLARZ. Mr. Secretary, how do you respond to the argument that some people have made that Savimbi is engaged in fighting Cubans, that it is not in our interests to have the Cuban military presence in Angola? Savimbi proclaims himself to be a friend of the West, and that we should, therefore, provide military assistance to him because he is fighting for self-determination for his people, he wants to rid Angola of the military presence which is presumably inimicable to our own interests, and rather than staying out of it we ought to provide him with arms—not troops, but with military assistance, which of course would only be possible if the Clark amendment were repealed?

How do you respond to that argument?

Mr. MOOSE. Well, I am not sure whether in practical terms there is a great deal of difference between what Savimbi stands for, and what the Luanda government stands for.

We could scarcely have expected a more constructive collaborative relationship with any Angolan Government on matters of regional concern, such as Zaire, Shaba, and Namibia, than we have had from the Luanda Government.

Mr. SOLARZ. If that is the case, maybe we are better off without any diplomatic presence. We seem to get along better with these countries when we have no one from the Foreign Service there than when we do.

Mr. MOOSE. No. I would rather say, Mr. Chairman, if it can be this good without a presence there, just think how much better it would be if we were there.

Also, as far as ideology is concerned, Savimbi said when he was here last year that if he were in power, there would be very little difference in economic policy between a UNITA-led government and that followed by MPLA.

The MPLA has moved further toward a mixed economy. As the president of Gulf Exploration pointed out before this committee,

they have continually moved to open things up for the private sector.

Finally, if we were to involve ourselves in supporting Savimbi, for whatever reason, I think we would simply be contributing to greater instability in that region rather than going any distance toward trying to solve the problems. That would just make things worse.

Mr. SOLARZ. If the long-term answer to the problem of political instability in Angola is some form of reconciliation between the MPLA and UNITA, which I certainly believe to be the case, do you think we would be in a better position to urge a course of reconciliation upon the Luanda Government, if we had established diplomatic relations with them, or would we be unlikely, in any case, to have any impact on their willingness to move in the direction of accommodation with Savimbi?

Mr. MOOSE. I think we would be better placed to try to play a political role of that sort if we were in Luanda. We don't know enough about what goes on there. We have seen time and time again how misconceptions of people, governments and leaders can arise when we distance ourselves from them.

If we get closer to them, know more about them, understand them better, understand the situations better, we should be able to have more influence.

Reconciliation has always been an important element of our policy. I cannot think of a time when we have had meetings with senior Angolans in which we have not made it quite clear that this was an integral part of our policy.

I think we would be better placed to pursue that if we were represented there. But, again, I think other circumstances need to change. I would like to see the Cuban military presence diminished.

Mr. SOLARZ. Well, if the Cuban military presence did diminish and the South Africa connection to Savimbi was settled by virtue of a Namibian agreement, what in fact do you think are the prospects of some form of reconciliation?

My impression has been that the MPLA has evinced no interest at all in this possibility. It doesn't seem to feel that an accommodation with Savimbi is possible. Whereas Savimbi, on the other hand, at least on the basis of what he has said here, would appear to welcome some kind of reconciliation.

Mr. MOOSE. Well, you know, it is not unusual for one or the other or both parties in a political negotiation to stake out an absolutely uncompromising position at the outset of negotiations; only for the rest of the world to find out as circumstances change, that in fact there gets to be given those positions.

The MPLA is not monolithic. If circumstances changed as much as you, in your hypothetical question, suggested, I don't think we can project what the situation would be then. But I think that there would be a chance of some sort for eventual political accommodation.

Mr. SOLARZ. The subcommittee is certainly pleased and privileged to have with us today one of our more active and able members from California, Mr. Dornan, who has not to my knowledge previously appeared before our subcommittee.

What I would like to suggest is that we complete our questioning of Secretary Moose, if that is acceptable to you.

Mr. DORNAN. I have no schedule problems. Thanks, Mr. Chairman.

Mr. SOLARZ. Then you can testify.

Mr. Secretary, when Mrs. Fenwick and Mr. Wolpe are finished, if you can stick around, we can then get Mr. Dornan's testimony on the record.

Mrs. Fenwick.

Mrs. FENWICK. I have been confused by a logistical question. If Mr. Savimbi is in charge of the south, more or less, or at least if that is his base and if the Cuban troops and Germans and Russians are in the north, how is it that SWAPO has these bases in southern Angola from which, as we understood from Ambassador McHenry, raids are launched upon Namibia and upon which the South African armed forces in disproportionate retaliation attack the SWAPO camps?

It is the government in Luanda that is supporting the SWAPO camps, as I understand it, in the southern part.

Mr. MOOSE. Yes.

Mrs. FENWICK. They like SWAPO, and they are encouraging SWAPO.

Mr. MOOSE. Yes.

Mrs. FENWICK. And providing asylum for these camps.

Mr. MOOSE. Right.

Mrs. FENWICK. Well, what is Mr. Savimbi doing about that?

Mr. MOOSE. You see, it can be misleading to think of Mr. Savimbi as in control of southern Angola. He is not really. He is able to move and conduct military operations quite broadly through that area and up into the central part of the country.

He controls rather consistently certain of the populated places, but in the sense of exercising control in the way that Luanda does through the rest of the country, he does not have that degree of control.

The situation down there is mixed. There are some places where there are more South Africans than anybody else, and there are other places where there is UNITA, and other places, SWAPO.

Mrs. FENWICK. And the SWAPO camps are not attacked by any of these people apparently. They just sit there until the planes come on a raid from South Africa.

Mr. MOOSE. With varying degrees of collaboration with UNITA the South Africans are after SWAPO down there. So it is because Savimbi's control is by no means complete.

Mrs. FENWICK. Loose?

Mr. MOOSE. It is very loose. As I say, he operates in a military sense, but he doesn't exercise administrative control over the area. For the most part he is able to deny the extension of Luanda's control in that area, but he doesn't really control it himself.

Mrs. FENWICK. But he controls it enough so that the supplies which, according to our chairman come to Savimbi from South Africa, those supplies can be delivered right through the SWAPO-Luanda area.

Mr. MOOSE. SWAPO has isolated bases here and there. It is a long and very rural sort of border down there.

Mrs. FENWICK. But it is from that area that South Africa delivers its supplies, is that right?

Mr. MOOSE. Yes, they deliver them in various ways.

Mrs. FENWICK. How?

Mr. MOOSE. Some over land, some by air.

Mrs. FENWICK. By air. I understand that Portugal, France, and Morocco also have been supplying Savimbi; is that correct?

Mr. MOOSE. Not all of those. I cannot go into that any further in open session. I would be happy to do it otherwise.

Mrs. FENWICK. I wonder if we ever tried to say to both Savimbi and to Luanda that our recognition would be contingent upon their reconciliation and the withdrawal of the troops. I cannot see what the troops are for if the government is otherwise secure. Why are the troops in Luanda. Are the people with Savimbi? Is there so much unrest that all these troops are necessary?

Mr. MOOSE. No. I think there are three reasons why they are there. One has to do with the South Africans. I think that is the principal reason.

Mrs. FENWICK. But they are not attacking Luanda, are they?

Mr. MOOSE. They are not attacking Luanda, but they attack as far as 200 kilometers north into the country, and in the war of 1975-76 South African armored columns got to the outskirts of Luanda.

Mrs. FENWICK. Yes, but now, as I understand, they are attacking SWAPO bases.

Mr. MOOSE. They are attacking as far up as where the railroad comes up, as far up as Benguela.

Mrs. FENWICK. Isn't that the SWAPO bases they are attacking?

Mr. MOOSE. They are not that careful about where they attack. Their primary targets are SWAPO bases. They have done extensive damage to civilian infrastructure, and to Angolan civilian targets.

Mrs. FENWICK. Well, are all the Cuban troops down there protecting that area? What are they doing in the north? As we understood it from the Gulf manager, there is not one but several anti-government groups that consolidated into a single group and came to the Gulf company asking them to take some steps, which Gulf wisely, nonpolitically, decided not to take.

But apparently it is the Cuban troops that are protecting Gulf against these insurrections in Cabinda. It is quite apart from what goes on around Luanda.

Mr. MOOSE. The insurrection is quite a ragtag operation. It has no great head of steam.

Mrs. FENWICK. I am trying to find out what the Cubans are for.

Mr. MOOSE. To paint it with a fairly broad brush, the important concentrations of Cuban combat forces would be toward the southern part of the country, and primarily, in a defensive posture vis-a-vis the South Africans.

There are some in Cabinda, as the Gulf representative said, to protect their installations there. That is not a big operation, because the threat is not all that serious.

The FNLA, which is the second of the major groups in the northern part of Angola, hasn't amounted to very much in the last couple of years or so. There is a constant shifting of leadership up there.

Mrs. FENWICK. Mr. Moose, do you think, in other words, if South Africa were removed from the Angolan equation, that the Angolans would be happy to see the Cubans go? Or, are the South Africans merely an excuse for keeping an army that the Government can be sure of to protect them against their own people?

Mr. MOOSE. No. I think there are three reasons why the Cubans are there.

One, deterrence and protection against the South Africans.

Two, they do provide assistance and support to some degree to the Angolan Army in its operations against UNITA. As I suggested in response to an earlier question, I think their combat role is diminishing.

Three, to a certain extent the Cuban presence offers a protection to the MPLA leadership. I do not think, though, that we are looking at a situation in which an unpopular government in Luanda is maintained in place by Cuban force. That, I think, would be a misperception of the situation.

Mrs. FENWICK. That makes a big difference because if the Angolan Government now in Luanda is indeed a popular government and could live without Cuban troops, in the event of a removal of South Africa from the equation, it makes a big difference.

Mr. MOOSE. The biggest problem for the MPLA I suspect—and I think this is reflected to a certain extent in things that one sees in their statements, in their rhetoric, in resolutions and—is the economic condition of the country.

They need to help their people, they need to increase the standard of living, to get more resources available to the people, to restimulate that economy. That is their biggest problem. That is the area in which they really need to appeal to the people of Angola.

Now, there are a lot of reasons why they are unable to do that. I think some of their economic policies are misguided. I think they recognize that they need to allow a larger role for the private sector.

But they also need to divert resources which are now going into military operations, which are being consumed by the problems that they have with the South Africans and UNITA, but primarily with the South Africans. They need to reduce their military expenditure and they need to reduce the drain on their resources that is represented by their obligation to support the Cuban combat forces.

So they really need to shift their emphasis from the military to the economy. That is their big problem.

Mrs. FENWICK. There was a report in the paper that 60 percent of the total revenue from oil from Kabinda, and from coffee, goes into the payment to the Soviet Union for arms and the payment of the Cuban teachers in the schools who make a healthy monthly salary, apparently at a cost to the Luanda Government.

So, I suppose there is more to it than defense. There is the effort to socialize the thinking that is causing some expenses.

Mr. MOOSE. We don't have what I would consider to be reliable figures on how much the Cuban presence costs the Angolans. But some of that presence—for example, the technicians—happens to

be technical assistance that the Angolans have not succeeded in arranging elsewhere.

There are about 8,500 Cuban economic technicians in Angola, a terribly important function to the economy.

So that costs them something. They probably pay subsistence, provide housing and other sorts of support in kind, which still comes out of their own budget, for the 15,000 to 21,000 Cuban military, however many there are.

It undoubtedly is burdensome to them. Whether it takes 60 percent of the oil revenues or not, I don't know. I would suspect that is high, but that is just a hunch. It costs them a lot at any rate.

Mrs. FENWICK. In other words, even if South Africa were withdrawn it would be useless if we said, "Look, when South Africa is out of the equation we would like to recognize you, but we would like you to just withdraw those Cuban troops."

That would be useless if the government's existence depends on the Cuban troops.

Mr. MOOSE. Yes. I think there are these other two subsidiary reasons, but I think the political environment of the place begins to change if you extract the South African element.

Of course, there is no justification for the South Africans conducting military attacks in Angola. There is no justification for their being in Namibia, either.

Mrs. FENWICK. There is every justification, if SWAPO is going to attack civilians in Namibia. Hot pursuit, which is a principle I strongly support, gives the right to go into the SWAPO camps inside of Angola.

You cannot just have people who are marauding and hurting people in Namibia, and say they are immune because they are in Angola.

Mr. MOOSE. Except for this consideration, which I ask you to think about. The South Africans have no legal right to be in Namibia. They are there illegally. They are there against the opinion of the World Court.

They are there against the opinion of the United Nations expressed in a variety of ways. They should not be in Namibia. If they were not, you would not have a SWAPO problem.

Mrs. FENWICK. Well, I don't think that is quite true, do you? I think we have to be realistic about it. I think certainly it would be well to get some settlement in Namibia, and certainly one element of a settlement would be that SWAPO no longer practices terrorism inside Namibia.

One of those things would be that South Africa no longer bombs SWAPO anywhere because SWAPO wouldn't be doing anything, so there is no reason they should. I can understand South Africa could not sit by and see people illegally attacking this territory. If people are going to be terrorized inside that territory, which South Africa still seems to feel some responsibility for, I can understand their retaliation.

Mr. GOODLING. Could I follow up on one of your questions.

Are there indications from Portugal or other countries represented diplomatically as to whether the people in Angola are content with the present leadership? Is the Government kept in power by the presence of Cuban troops?

Or do we not have that information?

Mr. MOOSE. No, we have that information. We carry on a very active exchange of information with all of the governments that are represented in Luanda. I would say in general that other Western governments' estimate of the situation in Angola is very much like our own.

I do not think there are any of them that believe that the MPLA is a government which maintains itself by force, either with or without Cuban combat support behind it. It is a popular government.

Mr. GOODLING. I don't understand that—"with or without."

Mr. MOOSE. I do not think other governments believe that the MPLA maintains itself in power by force, let alone in power as a result of Cuban force. They just don't believe that that is the situation.

If there is a problem that exists between the populace at large and the Luanda Government—and I am not suggesting that there is a big problem there—the problem arises from unfulfilled, economic expectations and desires, on the part of the people.

Mr. SOLARZ. I believe Congressman Dornan has a 12:30 appointment. What I would like to do is call upon Mr. Wolpe to ask his questions, and then we will turn the floor over to Mr. Dornan.

Mr. WOLPE. Let me defer to Bob.

Mr. SOLARZ. All right.

Mr. Dornan, the stage is yours.

#### STATEMENT OF HON. ROBERT K. DORNAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. DORNAN. Thank you very much, Mr. Chairman.

I will not read my prepared statement in its entirety. I will submit it for the record.

I appreciate this opportunity to appear before the subcommittee, because some of the visitors here who have an interest in this area of the world and because some of the members of the panel, although experts on this area of the world, may not be familiar with all the details of the tragic case of Mr. Gary Acker, I hope my testimony will enable the subcommittee to arrive at a decision which it feels is best for the interests of our country for an early resolution of this matter.

It is not my purpose to advocate a particular viewpoint with regard to the establishment of any diplomatic relations with Angola. Whatever the decision, however, I cannot do enough to impress upon the subcommittee the urgent importance of Mr. Gary Acker.

He has been incarcerated in an Angolan prison for over 4½ years. To date, our Government has not conducted itself with distinction with respect to the problem of young Mr. Acker.

By that I mean there have been periods of time where there has been some contact with him, and then there has been long periods of agony for his parents in Sacramento, Calif.—I know them personally—where they have had to really beg for any contact with the State Department, which would be forthcoming with some information.

I understand in the last year or so that problem has been resolved.

I am hopeful, as are Gary's parents, that a public discussion of this situation will at long last result in some positive action.

The members of the committee will recall that Angola was granted independence by Portugal on November 11, 1975.

I will skip through what you all know better than I do about the events following the granting of independence period and bring my testimony to the point where Gary Acker, at 21 years of age, read and responded to an advertisement in the Sacramento Bee newspaper.

I would like to submit that advertisement for the record. Its subject is hiring mercenaries for a civil war in West Africa. It creates a mood of flirting with danger, uses quotes like "the shadow of disaster" and want real men," very much like a Marine recruiting poster, only the pay scales for the mercenaries are much, much higher.

Young Acker was undoubtedly attracted by this ad because he was impressionable, because of the adventurous tone of the solicitation, which probably encouraged him to picture himself as a character straight out of an old Errol Flynn movie.

Equally as important, I believe that Gary joined the mercenary movement because of his state of mind at the time, a condition directly related to his experience in the U.S. Marine Corps, which had concluded only a few months before he responded to the advertisement.

Gary had joined the Marines at the age of 17. When he first returned home from basic training he was very enthusiastic; he even talked about the corps in terms of a career. His first assignment was to one of our super aircraft carriers, the U.S.S. *Ranger*, in Southeast Asia.

During that tour of duty he became interested in attending the U.S. Naval Academy. He applied to a preparatory school for the Academy for those who are not qualified based upon their high school records. He was accepted for admission to this preparatory school, located in Maryland.

Unfortunately, for reasons I do not know, he dropped out of the school after 3 months. Then began—what I will submit for the record—a long, painful period of Marine service for Gary, during which he saw psychiatrists both in and outside the corps, finally resulting in a very unwise decision to go AWOL for 4 months.

His parents, who are very lovely people, recommended that Gary do the right thing and turn himself back into the corps, which he did.

Finally, in 1975 Senator Alan Cranston was able to secure a general discharge for Gary on psychological grounds. I have done the same for some young men and women who could not adapt to military life, as I am sure many of you on this panel have done.

I have taken the time to explore the details of Gary Acker's Marine Corps experience because, as I noted, I believe it is pertinent to Gary's state of mind when he responded to the mercenary advertisement.

I believe the members will agree that what we see is a young man who was troubled, confused, disillusioned, and without direc-

tion. It is accurate to state that Gary Acker hardly fit the stereotypical image of the professional mercenary prepared to sell himself to the highest bidder.

On December 26, 1975, Gary met with recruiter Dave Bufkin in Fresno, Calif., from where they went to Los Angeles. It was in Los Angeles, where Gary, according to his parents, decided to join the mercenaries. I am sure Mr. Bufkin, as part of his recruiting spiel, regaled Gary with many stories of his CIA adventures in Southeast Asia.

Anyway, Gary was off, through New York. He arrived at Kinshasa, Zaire on February 7, 1976. From there the mercenaries were taken to Sao Salvador, Angola, where they arrived on the 10th, and just 4 days later, on Valentine's Day, February 14, Gary was taken prisoner with Danny Gearhart by Cuban soldiers.

So far I have briefly examined the reasons which may have motivated Gary to join the mercenaries. It is important to look at these facts, but they are not the complete story. It is equally important to ask several questions.

One, who was Dave Bufkin and what was his role in the recruitment of Gary Acker and other mercenaries?

Two, what was the source of the recruiting funds and under whose auspices was the recruiting effort administered?

Three, what rights did Gary Acker as a mercenary have under international law and did the Angolan authorities adhere to those laws in their treatment of him?

Four, what did the U.S. Government do for Gary Acker in terms of trying to insure that his legal rights were protected?

Five, have the parties responsible for Gary Acker's involvement with the mercenaries lived up to their obligations to him?

Not a great deal is known about Mr. Dave Bufkin, other than the facts that he had at times been a cropduster and a pilot for the CIA in Vietnam. I have learned that Bufkin, through his past CIA connections, became involved in the mercenary recruiting effort in the following manner.

Beginning in September 1975, according to Gary Acker's attorney, W. William Wilson, the CIA financed an operation in the United States, the purpose of which was to recruit mercenaries for Holden Roberto's FNLA.

A group of FNLA Angolans came to the United States with money for the recruitment effort. Attorney Wilson has stated that Bufkin admits that he entered into a recruitment agreement with CIA officials while in New York City in the fall of 1975.

The CIA denies that it was the source of funding for the mercenary recruitment effort, but it has not denied that the FNLA was provided with money.

Dave Bufkin, however, has stated otherwise. In a Canadian Broadcasting Co. interview, he said, "I can tell you exactly what Holden Roberto got. He got \$25 million in cash and \$25 million in arms."

Another source who disputes the CIA denial was Mr. John Stockwell, an ex-CIA officer whose book, "In Search of Enemies," details his personal involvement and the CIA's involvement in Angola.

I read that book with some interest and found much of it to be truthful.

Stockwell told my staff assistant that "Gary Acker was victimized by being sucked into a losing cause," and that the CIA gave money to Holden Roberto to recruit British and American mercenaries, who were transported in Africa in vehicles either stolen or leased by the CIA, and that "Gary Acker was transported in our system."

In addition, John Stockwell has testified in executive session before the Senate Intelligence Committee regarding the depth of CIA involvement in Angola and the recruiting effort. I urge the members to read his testimony.

I am not arguing at this point whether the CIA should have been involved. I am just talking about a man left out on a long, long 4½-year-old limb in a dungeon in Angola.

Additional evidence supporting the contention was that it was CIA money given to FNLA which found its way into the hands of American mercenaries was submitted at a hearing conducted by the Subcommittee on Investigations of the then Committee on International Relations on August 9, 1976.

I was going to read a few sections of that hearing, during which the subcommittee questioned Mr. William Schauffele, Jr., then Assistant Secretary of State for African Affairs——

Mr. MOOSE. I am his successor. He is Ambassador to Poland at the present time.

Mr. DORNAN [continued]. Mr. Robert Keuch, Deputy Assistant Attorney General, Criminal Division, Department of Justice. I don't know where he is now.

Instead of reading Mr. Bonker's questions with Mr. Schauffele, I will submit it for the record.

The questions were very revealing. Mr. Moose, your predecessor, said at one point, "I would amend your question, Mr. Congressman, in that we are not talking about \$50 million, but closer to \$27 million which was provided for that request."

What happened to Gary Acker after February 14? He and several others were placed on trial and sentenced.

You may remember that one of the Americans, Daniel Gearhart, was sentenced to death in violation of international law. He was executed with several of the British soldiers in spite of pleas for mercy from the President of the United States, the Queen of England, the Pope, various religious groups all around the world and other heads of government.

Acker was sentenced to 16 long years in prison, and it appears, too, this sentence was in violation of law.

I believe there is a strong and compelling case, much of it circumstantial, but much of it common sense, that the United States of America was involved in the recruitment of Gary Acker and is responsible for his fate.

A man with psychological problems, a very young man, who was looking for some adventure, who lacked mature judgment, was seduced into joining an ill-fated movement, and was then abandoned. I think that our country really should approach with much more vigor than it has over the last 4 years, the objective of bringing this young man back to California, and letting him rebuild his life.

We can only speculate about the things he was told in private about fighting for freedom, liberty, being a freedom fighter, going against Communist forces, joining a world struggle for goodness.

I am sure the words, initials "CIA" were used frequently and copiously in seducing this young guy to offer his life in the cause of freedom.

[Mr. Dornan's prepared statement follows:]

PREPARED STATEMENT OF HON. ROBERT K. DORNAN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

I appreciate this opportunity to appear before the subcommittee on this important matter. I hope that my testimony will assist the subcommittee to arrive at a decision which it feels is best for the interests of our country and for an early resolution of the matter which I have come here to discuss.

It is not my purpose to advocate a particular viewpoint with regard to the establishment of diplomatic relations with Angola. Whatever the decision, however, I cannot do enough to impress upon the members of the subcommittee the urgent importance of the matter of Mr. Gary Acker, who has been incarcerated in an Angolan prison for over 1½ years. To date, the U.S. government has not conducted itself with distinction with respect to the problem of young Mr. Acker. I am hopeful, as are Gary's parents, I know them personally, that a public discussion of his situation will, at long last, result in some positive action.

The members of the subcommittee will recall that Angola was granted independence by Portugal on November 11, 1975, the newly independent nation was immediately plunged into political and economic chaos as the result of a violent struggle for power between three major political factions. One faction, the MPLA, led by Agostino Neto, was and is supported by the Soviet Union and Cuban soldiers. The other two factions, the FNLA led by Holden Roberto, and UNITA, led by Jonas Savimbi, were supported by the United States and, for a time, the People's Republic of China.

It was into the Maelstrom of this international power struggle that Gary Acker was thrust, an innocent victim of power politics which he never really understood.

Gary Acker was twenty-one when he read and responded to an advertisement in the Sacramento Bee newspaper, which read as follows: "Hiring for Civil War in West Africa" Mercenary: "one who serves solely for wages, especially a soldier hired into foreign service." Since the dawn of time, there have been men who have flirted with death, men who have found walking in the shadow of disaster as exciting as success. Dave Bufkin is one of those men, Bufkin has been recruiting mercenary soldiers from the Fresno area to fight in the civil war which is raging in the West African country of Angola, until recently a territory of Portugal. "We're looking for men with military background and combat experience," he said bluntly. "We're not looking for cooks or truck drivers. Men who sign up for a 6 month hitch will get \$800/month," he said. "Those who sign up for 12 months will get \$1200/month. The only fringe benefit is 10 days paid leave every 3 months." Bufkin, who has signed up for the duration of the conflict, also will be recruiting in Los Angeles. From there, he will fly to New York, where the mercenary band will be assembled and flown to Portugal.

Why was young Gary Acker attracted by this ad? Undoubtedly, because he was young and impressionable, he was attracted by the adventurous tone of the solicitation, probably encouraging him to picture himself as a daring "soldier of fortune" type, straight out of an old Errol Flynn movie. However, and equally as important, I believe that Gary joined the mercenary movement because of his state of mind at the time—a state of mind directly related to his experience in the Marine Corps, which had concluded only a few months before he read the advertisement.

Gary Acker joined the Marines at the age of 17. When he returned home on leave from basic training, he expressed enthusiasm for the corps, and discussed it with his parents in terms of a career. Gary's first assignment was to the aircraft carrier U.S.S. *Ranger* in Southeast Asia. During that tour of duty, Gary became interested in the possibility of attending the U.S. Naval Academy, and he applied for admission to a school operated by the Navy, which is a preparatory school for those who desire admission to the academy, but who are not qualified based upon their high school records. Gary was accepted for admission to the school, located in Maryland. Gary dropped out of the school after 3 months. This decision apparently did not please the Marine Corps, which Gary felt was evident when he was assigned to Camp Lejeune, N.C. The base had a notorious reputation at the time for having serious drug, disciplinary, and racial problems. The atmosphere at Lejeune bothered

Gary, whose unhappiness was compounded by a personal conflict between him and his commanding officer, a first lieutenant. Gary requested another duty assignment, which was refused. He asked for a transfer to another unit, so as to at least solve the problem of his personal conflict with the lieutenant. These requests, too, were denied.

At this point, Gary made a bad, unwise decision—he went AWOL for 4 months. Finally, Gary was persuaded by his parents to eventually turn himself in to Marine Corps authorities. There was a court-martial proceeding, resulting in Gary being reduced in grade from corporal to lance corporal and restricted duty. It should be noted that this was not a severe punishment for this type of offense. Gary could have conceivably been tried on charges of desertion, sentenced to imprisonment or hard labor, reduced to a basic grade, and given a less than honorable discharge. However, Gary was given a relatively light punishment because his record in the corps up to that point was unblemished and because the lieutenant must have had something to do with their inability to get along. Unfortunately, this was not the end of Gary's travails in the Marines.

He still tried for another duty assignment, but to no avail. He began to see a military psychiatrist. He went home on leave, and saw another psychiatrist. Finally, in April 1975, Senator Cranston's office was able to secure a general discharge for Gary on psychological grounds.

I have taken the time to explore the details of Gary Acker's Marine Corps experience because, as I noted, it is pertinent to Gary's state of mind when he responded to the mercenary advertisement. I believe the members will agree that what we see is a young man who was troubled, confused, disillusioned, and without direction. It is accurate to state that Gary Acker hardly fit the stereotypical image of the professional mercenary prepared to sell himself to the highest bidder.

On December 26, 1975, Gary met with Dave Bufkin in Fresno, from where they went to Los Angeles. It was there where Gary, according to his parents, decided to join the mercenaries.

Gary arrived in Kinshasa, Zaire, on February 7, 1976. From Kinshasa, the mercenaries were taken to Sao Salvador, Angola, where they arrived on February 10. Just 4 days later, on February 14, 1976, Gary was taken prisoner by Cuban soldiers.

We have thus far examined the reasons which may have motivated Gary to join the mercenaries and why he was motivated to join them. As important as these facts are, they are not the complete story. It is equally important to answer these questions: (1) Who was Dave Bufkin and what was his role in the recruitment of Gary Acker and other mercenaries? (2) What was the source of the recruiting funds and under whose auspices was the recruiting effort administered? (3) What rights did Gary Acker as a mercenary have under international law and did the Angolan authorities adhere to those laws in their treatment of Gary? (4) What did the U.S. government do for Gary Acker in terms of trying to insure that his legal rights were protected? (5) Have the parties responsible for Gary Acker's involvement with the mercenaries lived up to their obligations to him?

Not a great deal is known about Mr. Dave Bufkin, other than the facts that he had at times been a cropduster and a pilot for the CIA in Vietnam. I have learned that Bufkin, through his past CIA connections, became involved in the mercenary recruiting effort in the following manner: beginning in September of 1975, according to Gary Acker's attorney, W. William Wilson, the CIA financed an operation in the United States, the purpose of which was to recruit mercenaries for Holden Roberto's FNLA. A group of FNLA Angolans came to the United States with money for the recruitment effort. Attorney Wilson has stated that Bufkin admits "that he entered into a recruitment agreement with CIA officials while in New York City in the fall of 1975."

The CIA denies that it was the source of funding for the mercenary recruitment effort, but it was not denied that the FNLA was provided with money—only denied that that money was used to recruit mercenaries. Dave Bufkin, however has stated otherwise. In a Canadian Broadcasting Co. interview, he said, "I can tell you exactly what Holden Roberto got. He got \$25 million in cash and \$25 million in arms." Another source who disputes the CIA denial was Mr. John Stockwell, an ex-CIA officer whose book, "In Search of Enemies," details his personal involvement and the CIA's involvement in Angola.

Stockwell told my staff assistant that "Gary Acker was victimized by being sucked into a losing cause," and that the CIA gave money to Holden Roberto to recruit British and American mercenaries, who were transported in Africa in vehicles either stolen or leased by the CIA, and that "Gary Acker was transported in our system." In addition, John Stockwell has testified in executive session before the Senate Intelligence Committee regarding the depth of CIA involvement in Angola and the recruiting effort. I urge the members to read his testimony.

Additional evidence supporting the contention that it was CIA money given to the FNLA which found its way into the hands of American mercenaries can be found in the pages of a hearing conducted by the Subcommittee on Investigations of the then Committee on International Relations on August 9, 1976. I would like to read a few sections of that hearing, during which the subcommittee questioned Mr. William E. Schaefe, Jr., who was Assistant Secretary of State For African Affairs, and Mr. Robert L. Keuch, Deputy Assistant Attorney General, Criminal Division, of the Justice Department:

"Mr. BONKER. May I ask whether you know if there are or were funds used directly or indirectly to recruit mercenaries in this country? U.S. Government funds?

"Mr. SCHAUELE. Not to my knowledge, Mr. Congressman.

"Mr. WINN. Mr. Schaefe, it comes as probably no surprise to you that, since the American Government was furnishing \$50 million to the opposition of the present Angolan Government, that they wouldn't pay much attention to our State Department requests, does it?

"Mr. SCHAUELE. No; I would amend your question in that we are not talking about \$50 million, but closer to \$27 million which was provided for that request.

"Mr. BONKER. I had the opportunity to appear on a local TV program and there was another gentleman who had been recruited by David Bufkin to fight in Angola \* \* \* but he was smart enough to return and tell his story. He made it very clear to us that he was recruited by David Bufkin and that he was paid in person by Holden Roberto in crisp new \$100 bills \* \* \* is it possible that the money we were supplying \* \* \* found its way back to recruiting activity in this country? No. 2, whether State or the CIA either would have an accounting of how that \$27 million was spent during the period of civil war in Angola.

"Mr. SCHAUELE. I suppose—I am not really an expert on this, but I suppose that it is conceivable that funds got back into a system by which Americans were paid \* \* \* regarding your second question, it \* \* \* I think it has to be directed to the Agency. I am sure they have some kind of accounting."

Representative Bonker then submitted for the record a chronology which was prepared for him by the Library of Congress on foreign assistance in the Angolan Civil War as it pertains to press accounts for mercenaries. The chronology is much too lengthy to read here—it is 27 pages long, and it is an impressive display of accounts which add up to an inescapable conclusion: Whether by accident or design, U.S. Government funds provided by the Central Intelligence Agency and funnelled through the FNLA, were used to recruit Americans to fight in the Angolan Civil War.

Let us now turn our attention to the question of what happened to Gary Acker after he was captured on February 14, 1976. As the members of the subcommittee may recall, Gary Acker and several other mercenaries were placed on trial in June, 1976. On June 19, Gary Acker and the others were sentenced. You remember that one of the Americans, Daniel Gearhart was sentenced to death—in violation of international law and executed with several British soldiers in spite of pleas of mercy from the President of the United States, the Queen of England, and the Pope. Gary Acker was sentenced to 16 long years in prison, and it appears too, that this sentence was in violation of international law. The Library of Congress has provided me with three law review articles which discuss the rights of mercenaries under international law. The articles all argue convincingly that Gary Acker was illegally sentenced. For example, the "American Journal of International Law" of January 1978, in an article by H. C. Burmester entitled "The recruitment and use of mercenaries in armed conflicts," states on page 53: "Under the existing laws of war, aliens who enlist in a foreign force commit no offense against international law, and they are treated the same, as regards the enemy, as the nationals of the state whose force they have joined. This position is reflected in Article 17 of The Hague Convention No. V of 1907.

And Robert E. Cesner and John W. Brant write in the "Capital University Law Review" (Volume 6, No. 3 1977) on page 340, that "To apply criminal sanctions against one for 'being a mercenary' rather than to hold him accountable for specific conduct during a conflict, is a departure from the international law of warfare as well as the penal systems of virtually every civilized country. Under all of these codes of international law, the only basis for punishment of an individual, as opposed to mere detention, is his commission of certain defined wrongful acts, and not merely his rank of status in an armed force \* \* \* in no instance, however, would it be reasonable or proper to punish an individual because of his status or personal motivation, in lieu of punishing him for his particular conduct."

Cesner and Brant went on to examine the trial record. They state that "The mercenary trial in Angola appears to have been fair in the procedural sense. The questions which remain, however, revolve around the legality of the charges." They

go on to state that the only defendants in the trial against whom specific charges or wrongdoing were proven were two British mercenaries named Callan and McKenzie, who were executed for homicide. However, according to Cesner and Brant, " \* \* no witnesses were called who could confirm the commission of any crimes, in the broad sense of the term, by Acker \* \* ". They conclude that Gary Acker was convicted for political rather than legal reasons.

And where was the U.S. Government during all this time. Nowhere to be seen, and heard only to deny that it was in any way involved.

It is now 1980. I see little sense in pointing a finger of fault at any individuals or agencies. I am not here to condemn the CIA or Henry Kissinger or any other officials who may have been in a position to know any of the details regarding the complicity of the CIA and the U.S. Government in the recruitment and imprisonment of Gary Acker.

I do believe that the evidence points to a deep involvement in the matter of Gary Acker. That, however, is all "water under the bridge." What is important now, I say to the distinguished members of the subcommittee, is that the United States recognize its responsibilities to Gary Acker and exert all possible effort to secure his release from his Angola imprisonment.

As I noted earlier in my testimony, I do not believe the United States has done all that it could to help Gary Acker. Attorney William Wilson and Gary Acker's parents have both told one of my staffers that when they met with State Department officials in March of this year, they asked these officials if they had even asked the Angolan Government to free Gary. The State Department officials admitted that they had not. I find this incredible coming from an administration and a State Department which has trumpeted its concern with human rights. What about the human rights of its own citizens?

I realize that no one can wave a magic wand and obtain Gary Acker's instant release from prison. However, more, much more, can be done for him than has been done. Surely, if we can be so complacent about the presence of Cuban soldiers in Angola to the point where they are labeled as a "stabilizing influence", then we can do more for one of our own fellow citizens.

On behalf of Gary Acker's discouraged and concerned parents, I say, let us recognize our responsibilities.

Mr. SOLARZ. I think you are to be complimented in looking out for the interests of your constituent so assiduously. I am sure his family deeply appreciates what he has done. This has been very interesting for the subcommittee.

I would like to suggest we recess now in order to make the vote. We are on the second bells. If you are in a position to return, we may have some questions of you.

Certainly I think, Mr. Secretary, we will want to know from you what, if anything, the department has done about Mr. Acker.

Mrs. FENWICK. The quotations from international law that you have here are most compelling.

Mr. DORNAN. Good. I will come back.

Mr. SOLARZ. The hearing is recessed.

[A brief recess was taken.]

Mr. SOLARZ. The hearing is called to order again. We are going to continue for about another 10 minutes and then let you go.

Have we made any efforts on behalf of Mr. Acker, any representations on his behalf that you are aware of?

Mr. MOOSE. Yes. We have made repeated efforts on behalf of Mr. Acker and Mr. Grillo.

There have been any number of occasions when officials of this administration have been in touch with officials of the Luanda Government, in Luanda or many other places, where we have sat down to look at issues and matters of current interest in which the question of Mr. Acker, Mr. Grillo, and other Americans has been raised.

We have consistently raised it. I raised it myself on two occasions in Luanda. Ambassador McHenry has raised it every time he has

been there. It was raised by Deputy Assistant Secretary Walker. It was raised by Mr. Newsom. It has been raised by Mr. Junior, and others.

Mr. SOLARZ. What do they say, the Angolans?

Mr. MOOSE. The object of the greater part of our representations has been first to get access to the prisoners, to assure ourselves about the manner in which they were treated.

Mr. SOLARZ. Have we been given access to Mr. Acker. How many American prisoners are there?

Mr. MOOSE. There are two who were convicted of being mercenaries and there is a third American who was detained recently after his airplane was forced down or had trouble and ended up in Angola.

I am not sure there are any more. There used to be four. One was released recently.

Mr. SOLARZ. Do we have access to the three who were incarcerated?

Mr. MOOSE. We have not had independent access to any of the three who have been incarcerated.

Let me separate the two, Acker and Grillo, who were the mercenaries.

The Italians who looked after our interests in Luanda have had access to them in years past. Senator McGovern, accompanied by a State Department official was in Luanda in December 1978, and got access to them. We had no access to them in 1979 nor in 1980.

However, we have been told by George Gause, who was the fourth American released, that the conditions under which the Americans are held are considerably better; that is, relatively better than those of other prisoners. Mail is getting through to them now after our last representation.

Mr. SOLARZ. Why did the Angolans release Gause but not the others?

Mr. MOOSE. Gause was not charged with being a mercenary.

He was picked up after he was found with a shotgun or rifle in the trunk of his car at a time when there was a good deal of suspicion and concern.

He was held prisoner for a long time. He was released after a lot of intercession on our part. The charges against him were really never terribly clear. It was a relatively easier matter to try to deal on him than on the mercenaries, frankly.

Mr. SOLARZ. What have the Angolans said about Acker and the other mercenaries when we have asked for access? Have we asked for clemency, to let these people go?

Mr. MOOSE. We have recently asked for a review of their cases, and the Angolan official to whom that request was made simply noted it.

We have not really had a response to it. We haven't had an equivalent level of contact with them since, however.

Mr. SOLARZ. Is Mr. Doran's legal analysis of the status of mercenaries accurate in the view of the Department?

Mr. MOOSE. I am not a legal authority, Mr. Chairman. So I am not really competent to comment on the argument that is made there. I read his testimony. I see what it is.

Mr. SOLARZ. Could you submit for the record a legal analysis by the Department?

Mr. MOOSE. I will do that.

[Mr. Moose submitted the following memorandum of law:]



DEPARTMENT OF STATE

Washington, D.C. 20520

October 17, 1980

MEMORANDUM OF LAW

Subject: International Legal Rights  
of Captured Mercenaries

General

The act of being a mercenary is not a crime under international law. An individual who is accused of being a mercenary and who is captured during an armed conflict is entitled to the basic humanitarian protections of the international law applicable in armed conflict, including those specified in the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Aug. 12, 1949, T.I.A.S. No. 3365, 6 U.S.T. 3516). The specific rights which such an individual would be entitled to vary depending on whether the conflict is an international conflict or an internal one and, in the case of international armed conflicts, on whether the person is entitled to prisoner of war status.

International Armed Conflicts

International armed conflicts are defined in the four Geneva Conventions on Humanitarian Law of August 12, 1949, as being declared wars and other armed conflicts which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of the States involved. (Common Article II to the Geneva Conventions.) Individuals who are captured during such armed conflicts are entitled to prisoner of war status if they meet the detailed requirements of Article IV.A. of the Geneva Convention Relative to the Treatment of Prisoners of War (T.I.A.S. No. 3364, 6 U.S.T. 3316).

Article IV.A. provides prisoner of war status for the following personnel:

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
  - (a) that of being commanded by a person responsible for his subordinates;
  - (b) that of having a fixed distinctive sign recognizable at a distance;
  - (c) that of carrying arms openly;
  - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.
- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
- (6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units provided they carry arms openly and respect the laws and customs of war.

Individuals who are accused of being mercenaries and who are members of the regular armed forces of a State during an international armed conflict are consequently entitled to all of the protections of the Prisoners of War Convention. Individuals who are not members of the regular armed forces must be able

to prove that they are members of the militia or volunteer corps (including organized resistance groups) which fulfill all of the stringent requirements specified in Article II.A.2. These requirements have historically been very difficult for independent groups to establish. In any event, if doubt exists as to whether a person who is captured during international armed conflict is entitled to prisoners of war status, the person is to enjoy the benefits of the Convention until a competent tribunal makes a determination on the issue of his entitlement to that status.

It is well accepted under the Geneva Conventions and customary international law that individuals who are entitled to prisoner of war status may not be prosecuted for legitimate acts of war, including the killing of enemy personnel in battle. They may, however, be prosecuted for violations of the law of war (e.g., mistreating prisoners of war, wilfully attacking non-combatants, misusing the Red Cross emblem).

The Geneva Prisoners of War Convention contains numerous provisions providing for humanitarian treatment of prisoners of war and detailed regulations on the internment of such individuals. There are numerous provisions dealing with penal and disciplinary sanctions against them, including procedural rights for the accused. These provisions only benefit prisoners of war, however, and individuals who do not qualify as prisoners of war in international armed conflicts must avail themselves of the more limited benefits of the Geneva Convention Relative to the Protection of the Civilian Population.

The Civilians Convention provides humanitarian protections to individuals who are considered to be "protected persons". These are individuals who find themselves in the hands of a Party to the conflict or an occupying power of which they are not nationals. Nationals of neutral States who are in the territory of a belligerent State and nationals of a co-belligerent State are not deemed to be protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are. (Article IV). There are some exceptions to this general rule, however, and individuals who are not deemed to be protected persons are entitled to the benefits specified for the wounded and sick in Articles 13 to 26 of this treaty.

As is the case with the Prisoners of War Convention, the Civilians Convention contains numerous humanitarian and judicial protections for individuals entitled to the protections of the Convention. However, such individuals do not enjoy the immunity from prosecution for military activities that prisoners of war have and may thus be prosecuted for engaging in combatant acts.

An individual from a neutral country who, during an international armed conflict, commits hostile acts against a State or who voluntarily enlists in the armed forces of one of the parties may in any event avail himself of Article 17 of Hague Convention No. V, Respecting the Rights and Duties of Neutrals Powers and Persons in Case of War on Land (October 18, 1907, T.S. No. 540, 36 Stat. 2310). Such individuals are not to be more severely treated by the capturing State than a national of the other belligerent State could be for the same act. This provision has traditionally been interpreted to mean that the individual must be treated fairly, and in the same manner as enemy nationals. The neutral person must be given, *inter alia*, the opportunity to defend himself and to communicate with the consul of his country if he or she requests it. See Dept. of the Army, F.M. 27-10, The Law of Land Warfare, para. 550, at 192 (1956).

Individuals captured in wartime who do not benefit from the detailed rules of the Geneva and Hague Conventions are nevertheless to be treated with all due respect and humanity. The customary international law applicable in wartime recognizes that in cases not covered expressly by the treaties on land warfare, "... inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, and from the dictates of public conscience." Preamble, Hague Convention No. IV, Respecting the Laws and Customs of War on Land, (October 18, 1907, T.S. No. 539, 36 Stat. 2277). They consequently are entitled to respect for their human rights, and should not be mistreated under any circumstances.

#### New Definition of Mercenary

The Diplomatic Conference on Humanitarian Law that was convened by the Swiss Government in 1974 adopted two comprehensive Protocols to the 1949 Geneva Convention in June 1977. (The United States signed these treaties in December 1977.) These Protocols were designed to improve the Geneva Conventions system and to update Hague Conventions No. IV on the Rules of Land Warfare. Considerable effort was devoted to the issue of who should be entitled to prisoner of war status and to making the prisoner of war requirements of Article IV.A. of the Geneva Prisoners of War Convention more realistic and compatible with the requirement of modern warfare.

Article 47 of Protocol I (which deals with international armed conflicts) contains a definition of mercenaries. Article 47 provides as follows:

1. A mercenary shall not have the right to be a combatant or a prisoner of war.
2. A mercenary is any person who:
  - (a) is specially recruited locally or abroad in order to fight in an armed conflict;
  - (b) does, in fact, take a direct part in the hostilities;
  - (c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
  - (d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
  - (e) is not a member of the armed forces of a Party to the conflict; and
  - (f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

(Protocol I is reprinted in 16 International Legal Materials 1391 (1977).)

This narrow definition of mercenaries in effect denies prisoner of war status to individuals who fight strictly for private gain. It does not affect any individual who is a member of the States' regular forces and other legitimate combatants. Consequently, individuals who are mercenaries under the provision are not entitled to immunity from prosecution for acts of war. They are, however, entitled to the fundamental humanitarian protections of Article 75 of Protocol I, including the detailed procedural rights referred to in that article.

### Internal Armed Conflicts

The law pertaining to civil wars is much less developed than that pertaining to international wars. The key treaty provision relating to such conflicts is common Article 3 of the 1949 Geneva Conventions, which provides humanitarian protections to persons no longer taking part in hostilities. The protections of Article 3 would also apply to any captured individual accused of being a mercenary during a civil war.

Article III states that:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

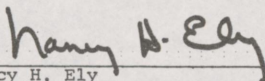
The Parties to the conflict should further endeavor to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article III does not provide any immunity from prosecution to individuals for engaging in combatants acts. The provisions of the Geneva Conventions dealing with prisoners of war do not apply in civil wars, and combatants captured during civil wars are not prisoners of war within the meaning of international law.

Under customary international law, a civil war can under extraordinary circumstances become an international armed conflict (e.g., if widespread hostilities result in a recognition of belligerency by neutral States and if the belligerents in effect control large segments of the State's territory and are sufficiently organized militarily). Under such circumstances, the law of international armed conflict would govern the conflict, and individuals could become prisoners of war under customary international law if they meet the difficult standards of Article IV. A.2. of the Geneva Prisoners of War Convention.

Protocol II to the 1949 Geneva Conventions (16 International Legal Materials 1442 (1977)) deals with civil wars. It contains detailed judicial protections (in Article VI) for individuals charged with offenses during a civil war. However, no immunity is provided for combatant acts.



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Nancy H. Ely  
Assistant Legal Adviser

Mr. SOLARZ. I think this is an important point; the thrust of his argument is that under international law you are not supposed to sentence mercenaries to prison terms except insofar as they may have committed illegal acts as distinguished just from being a mercenary.

Mr. MOOSE. Right. Absolutely. You can probably appreciate the Angolans have a particular sensitivity to the mercenary question.

Mr. SOLARZ. Certainly.

Mrs. Fenwick?

Mrs. FENWICK. Just one little question.

You said we haven't seen them since 1978. Have we tried?

Mr. MOOSE. No American official has seen them, though we have tried repeatedly.

Mrs. FENWICK. And been refused?

Mr. MOOSE. Right. Often we have had some encouragement that we would get access to them, but it has never really come through.

In most instances, our requests have been directed to officials of the Ministry of Foreign Affairs. The Ministry of Foreign Affairs doesn't have any authority over the prisoners. I think that is unfortunate because people in the Foreign Ministry understand the proprieties of international law and of diplomatic practice.

The Ministry of the Interior has authority over the prisoners and we haven't had any luck with that Ministry.

Mrs. FENWICK. Have the Italians tried?

Mr. MOOSE. They have tried repeatedly to help us on this. They have had access in years past. They helped us get mail to them.

Mrs. FENWICK. Not recently?

Mr. MOOSE. Not recently. But, on the other hand, mail privileges have improved, although they are still sporadic. The general overall treatment, the conditions under which they are kept, are better than they are for Angolans. Of course, you understand that all we can do is ask for equal protection of them under Angolan law, and for those rights, such as consular access, which we should have under international conventions.

Mr. SOLARZ. One of the major purposes of the Cuban presence in Angola is to deter South African military activities against Angola. Why is it that the Cuban forces appear not to have engaged the South Africans in hostilities on those occasions when South Africa has, in fact, invaded Angola territory? So far as I know, there are no recent reports of hostilities between Cuban forces in Angola and the South African expeditionary forces that have been sent into Angola.

Is there some reason for this?

Mr. MOOSE. I don't know the explanation for that. I think in general your impression is right. I think there have been very few, if any, instances in which they have actually come in contact.

Mr. SOLARZ. But we don't know that?

Mr. MOOSE. No.

Mr. SOLARZ. From a military point of view, how much damage has been done to the SWAPO forces and facilities in Angola by these South African raiders?

Mr. MOOSE. I don't think we are in a very good position to assess that. The South Africans, by their own account—which has been to some extent independently verified—have destroyed installations

and inflicted casualties, though not enormous ones; they have undoubtedly disrupted supply patterns.

Given the nature of guerrilla warfare, I would doubt whether the South Africans have done any mortal damage.

Mr. SOLARZ. Did the South Africans suffer any casualties?

Mr. MOOSE. Yes.

Mr. SOLARZ. Do we know how many?

Mr. MOOSE. I can supply those for the record. I don't happen to know offhand.

South African casualties in connection with Namibia have been increasing substantially over past years.

Mr. SOLARZ. It would be helpful for the record if you could give us your best estimate as to the amount of damage suffered by SWAPO and their manpower losses, as well as the South African losses of manpower and materiel.

[Mr. Moose submitted the following for the record;]

### South African Attacks Against Angola

In its war against SWAPO, South Africa claims the right of "hot pursuit" into Angola as long as SWAPO guerrillas are there. Its forces operate frequently on both sides of the border. This routinely includes air reconnaissance and sporadic search and destroy operations by ground forces in Angolan villages and countryside. Intermittently, these operations are supplemented by aerial bombings or ground attacks on suspected guerrilla safehavens usually near the border.

Several major South African attacks have inflicted casualties and damage far beyond the border area.

- In May 1978 South African forces attacked a SWAPO camp near Cassinga, 260 kms north of the border. SWAPO is reported to have suffered extensive military and civilian casualties, and the South Africans took prisoners back to Namibia.
- In late 1979, Angola reported that industrial and civilian sites near the town of Lubango, 200 kms north of the border, the southern port of Mocamedes, and other southern towns were reportedly hit by planes and airborne troops.
- In June and July 1980, Angola reported massive ground attacks with air support into Cunene and Cuando Cubango provinces in southern Angola. Prime Minister Botha told Parliament that the SADF destroyed SWAPO's main command base in southern Angola. South Africa said more than 300 SWAPO guerrillas were killed and over 250 tons of Soviet and East European equipment removed to Namibia. Pretoria acknowledged the loss of about 20 of its forces. South Africa admitted only one minor engagement with Angolan forces, while Angola said that more than 400 Angolans were killed.

South Africa maintains that it attacks only SWAPO targets and avoids damage to Angolan forces or property. Angola disputes this contention, claiming extensive casualties in many of the raids. While we cannot assess the extent of casualties, we know that Angolan towns have been damaged. Some observers believe that, as a general rule, South Africa does try to limit encounters with Angolan forces and damage to Angolan property, but does not let this policy get in the way of its primary objective.

Casualties in the Namibian Insurgency

We have no solid information about the number of casualties. The two sides have widely differing claims and it is often difficult to distinguish combatant from civilian casualties. It is also difficult to separate SWAPO and Angolan losses.

Cassinga

SWAPO said 500 people, mainly women and children, were killed. South Africa did not release its own losses but press reports said five SADF soldiers died.

1979-80 Totals

South African claims of SWAPO losses add up to some 500 deaths in 1979. It has acknowledged the loss of about 30 of its own forces. So far this year, it claims to have killed about 65 SWAPO guerrillas and admits some 75 SADF losses, exclusive of the June-July raids.

June-July 1980 Raids

South Africa claimed it had killed more than 300 SWAPO guerrillas and admitted the loss of about 15 of its own forces. SWAPO insisted that its losses were very few and our impression is that they were in fact somewhat less than the South African claims.

Mr. SOLARZ. Finally, could you briefly fill us in on the precise status of the Namibian negotiations following the letter which was sent to Secretary Waldheim by, I think, Foreign Minister Neto, where they said they were prepared to proceed with discussions for the implementation of the U.N. proposals, but they have reservations about the impartiality, integrity of the U.N. operation. Where are things right now?

Mr. MOOSE. After the receipt of the South African letter, and after a period of study and reflection, the Secretary General responded. He thought there was a basis for implementation of the proposals that he had made earlier and suggested that he send a representative to South Africa to carry on those discussions. It is my belief that the South Africans have now responded and said that they would receive his representative, and I believe a date has been set.

Mr. SOLARZ. What date?

Mr. MOOSE. I believe it is October 20.

Mr. SOLARZ. Who is the representative?

Mr. MOOSE. I believe it would be Brian Urquhart.

Mr. SOLARZ. Are you encouraged by this?

Mr. MOOSE. Yes, I am.

Mr. SOLARZ. Mrs. Fenwick, do you have any further questions?

Mrs. FENWICK. No, except I would like to ask if Mr. Urquhart has ever expressed an opinion on these matters? Has he taken a stand or has he remained impartial in all these things?

Mr. MOOSE. Urquhart is a distinguished civil servant who has been scrupulous in maintaining this sort of position. Under those circumstances, he has been closely identified with any number of peacekeeping operations in various parts of the world; he is a man of the highest integrity. He has not taken a position on the issues as such.

Mrs. FENWICK. He has not taken a position? That is hopeful.

Mr. SOLARZ. Mr. Dornan, finally, could you tell us—would you be prepared, would you urge, advocate, or support the establishment of full diplomatic relations with Angola for at the very least an intercession there if that were deemed helpful in securing the release of Mr. Acker?

Mr. Dornan?

Mr. DORNAN. Oh, I am sorry.

Mr. SOLARZ. That was directed to you. Would you support the establishment of diplomatic relations with Angola or at the very least an intercession in Luanda if that were deemed helpful in securing the release of Mr. Acker?

Mr. DORNAN. I think an intercession would certainly be a step toward diffusing some of the tension in that area. I think it would relieve this one particular case of human rights.

I am sorry to have wasted that time, especially when it appeared I was being so thoughtful in giving a response.

I wonder if, while I was gone voting, Mr. Moose had responded to this charge of the parents that until March no one in our State Department had ever made a formal request for his release? That seems incredible coming from an administration and a State Department that had shown such concern for human rights.

What is the formal status, I wonder? May I ask through the chairman?

Mr. SOLARZ. Mr. Moose did respond in a manner of speaking to that charge. He indicated that we have made repeated representations on behalf of Mr. Acker, primarily for access to him; also for review of his case.

I have an engagement which I have to get to now. May I suggest you discuss that with him here? Mr. Moose certainly is aware of the fact that as a result of your testimony today the subcommittee is now seized of this problem, as they say. We do have an interest in Mr. Acker and the other American, other two Americans who are under retention.

We certainly believe it would facilitate an improvement in Angolan/American relations if they were released.

I want to thank you very much, Mr. Dornan, for your testimony. The hearing is adjourned.

[Whereupon, at 12:45 p.m., the subcommittee was adjourned.]

## APPENDIX

TABLES SUBMITTED BY THE DEPARTMENT OF STATE  
COMMUNIST ECONOMIC TECHNICIANS IN SUBSAHARAN AFRICA—1978 <sup>1</sup>

Country	Total	U.S.S.R. and Eastern Europe <sup>2</sup>	Cuba	China
Angola.....	9,910	1,400	8,500	10
Ethiopia.....	1,400	650	500	250
Gabon.....	75	10		65
Gambia.....	75			75
Ghana.....	175	95		80
Guinea.....	1,035	700	35	300
Guinea-Bissau.....	405	265	85	55
Kenya.....	30	25		5
Liberia.....	210	10		200
Madagascar.....	200			200
Mali.....	1,025	475		550
Mauritius.....	15			15
Mozambique.....	1,270	750	400	120
Niger.....	160	10		150
Nigeria.....	1,750	1,625		125
Rwanda.....	60	10		50
Sao Tome and Principe.....	260	20	140	100
Senegal.....	500	100		400
Sierra Leone.....	310	10		300
Somalia.....	3,050	50		3,000
Sudan.....	775	125		650
Tanzania.....	1,365	165	200	1,000
Zambia.....	6,645	125	20	5,500
Others.....	7,525	1,020	1,090	5,415
Total.....	37,225	7,640	10,970	18,615

<sup>1</sup> Number of persons present for a period of 1 month or more during 1978. Rounded to the nearest 5.

<sup>2</sup> More than half are Soviets, nearly 1,000 are believed to be East Germans.

COMMUNIST MILITARY PERSONNEL IN SUBSAHARAN AFRICA—1978 <sup>1</sup>

Country	Total	U.S.S.R. and Eastern Europe <sup>2</sup>	Cuba <sup>3</sup>	China
Angola.....	20,300	1,300	19,000	
Equatorial Guinea.....	290	40	150	100
Ethiopia.....	17,900	1,400	16,500	
Guinea.....	330	100	200	30
Guinea-Bissau.....	205	65	140	
Mali.....	195	180		15
Mozambique.....	1,300	230	800	100
Other.....	1,330	500	485	345
Total.....	41,680	3,815	37,275	590

<sup>1</sup> Number of persons present for a period of 1 month or more during 1978. Rounded to the nearest 5.

<sup>2</sup> Mainly Soviets among Eastern Europeans, most are believed to be East Germans.

<sup>3</sup> Includes troops.

*French military troops in Africa (as of September 1979)*

Central African Republic (350).....	250
Chad.....	1,800
Djibouti.....	4,150
Gabon.....	450
Ivory Coast.....	470
Mauritania (275).....	250
Senegal.....	1,170
Total.....	8,540

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